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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 709

Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation

AGENCY: National Credit Union Administration.

ACTION: Interim final rule with request for comments.

SUMMARY: The National Credit Union Administration (NCUA) is adopting a rule clarifying that as conservator or liquidating agent of a federally-insured credit union, the NCUA Board (Board) will honor a claim for prepayment fees by a Federal Home Loan Bank under the circumstances set forth in the rule.

DATES: Effective February 23, 2001. NCUA welcomes comments on this interim final rule. Comments must be received on or before April 24, 2001.

ADDRESSES: Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. You may also fax comments to (703) 518–6319 or e-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Chrisanthy J. Loizos, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION: Federally-insured credit unions (FICUs) are eligible for membership at the Federal Home Loan Bank in their district provided they meet certain statutory requirements. 12 U.S.C. 1422(12)(B), 1424. As members of a Federal Home Loan Bank, FICUs may receive long term, secured advances for the purpose of providing funds for residential loans. *See* 12 U.S.C. 1430(a). Under the Affordable Housing Program, Federal Home Loan Banks ''subsidize the interest rate on advances to members engaged in lending for long term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates.'' 12 U.S.C. 1430(j). Federal Home Loan Banks also make advances to members that undertake community-oriented mortgage lending. 12 U.S.C. 1430(i). Under the Community Investment Program, advances to members are ''priced at the cost of consolidated Federal Home Loan Bank obligations of comparable maturities, taking into account reasonable administrative costs.'' *Id.* Therefore, these advances may be available to members at costs lower than alternative sources of funds.

The Board, when acting as conservator or liquidating agent of any FICU, has the power to disaffirm or repudiate contracts or leases (i) to which the credit union is a party; (ii) the performance of which the conservator or liquidating agent, in the conservator's or liquidating agent's discretion, determines to be burdensome; and (iii) the disaffirmance or repudiation of which the conservator or liquidating agent determines, in the conservator's or liquidating agent's discretion, will promote the orderly administration of the credit union's affairs. 12 U.S.C. 1787(c)(1). Repudiation of a contract relieves the Board from performing any unperformed obligations remaining under the contract. Repudiation also entitles the other party to the contract to a claim for damages, which are limited by statute to actual direct compensatory damages determined as of the date of the appointment of the liquidating agent or conservator. *See* 12 U.S.C. 1787(c)(3).

The Federal Credit Union Act establishes an exception to the Board's authority to repudiate contracts entered into by an FICU before the Board is appointed the FICU's conservator or liquidating agent. The Board may not repudiate a contract regarding an extension of credit from any Federal Home Loan Bank to an FICU. 12 U.S.C. 1787(c)(13).

This rule, § 709.12, sets forth the circumstances under which the Board, as conservator or liquidating agent, will honor a claim for prepayment fees by a Federal Home Loan Bank (Bank) when an FICU in conservatorship or liquidation has an outstanding extension of credit with the Bank. The rule tracks one used by the Federal Deposit Insurance Corporation (FDIC) when federally-insured banks with extensions of credit from a Federal Home Loan Bank are conserved or placed in receivership. *See* 12 CFR 360.2(e). Like the Board, the FDIC has the statutory authority to repudiate contracts when appointed conservator or receiver for a federally-insured bank under section 11(e) of the Federal Deposit Insurance Act. 12 U.S.C. 1821(e). Likewise, the Federal Deposit Insurance Act also carves out an exception for extensions of credit from any Federal Home Loan Bank. 12 U.S.C. 1821(e)(13)(A). By providing these exceptions for Federal Home Loan Banks in both the Federal Credit Union Act and the Federal Deposit Insurance Act, Congress recognized that they have a unique role as special lenders to depository institutions.

Prepayment fees are an integral part of the operations of Federal Home Loan Banks because they issue long term obligations in order to make prudent long term advances to members. The prepayment of long term advances can result in losses to a Bank, depending upon reinvestment opportunities available at the time of such prepayment. 54 FR 19155, May 4, 1989. The rule allows the payment of a prepayment fee to the Bank if set forth in a written contract, provided: (1) That the fee does not exceed the present value of any economic loss suffered by the Bank; and, (2) the collateral is sufficient to pay in full the principal and interest due on secured advances and the applicable prepayment fee.

Interim Final Rule

The NCUA Board is issuing this rule as an interim final rule because there is a strong public interest in assuring that FICUs are in the same position as other depository institutions that obtain advances from Federal Home Loan Banks as soon as possible. This interim rule benefits FICUs with no additional burden by giving them the opportunity to receive advances from Federal Home Loan Banks at a lower cost of funds than may be available from alternative sources. Accordingly, for good cause,

the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule shall be effective immediately and without 30 days advance notice of publication. Although the rule is being issued as an interim final rule and is effective immediately, the NCUA Board encourages interested parties to submit comments.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small entities. For purposes of this analysis, credit unions under $1 million in assets will be considered small entities.

The NCUA Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule allows FICUs that are members of Federal Home Loan Banks to receive advances at lower rates of interest for the benefit of their members without any additional regulatory burden or expense to credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that this rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this is not a major rule.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule will apply to some state-chartered credit unions, but it will not have substantial direct effect 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. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether this rule is understandable and minimally intrusive.

List of Subjects in 12 CFR Part 709

Credit unions, Liquidations.

By the National Credit Union Administration Board, on February 15, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated above, NCUA amends 12 CFR part 709 as follows:

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY-INSURED CREDIT UNIONS IN LIQUIDATION

1. The authority citation for part 709 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786, 1787, 1788, 1789, 1789a.

2. Amend § 709.0 by revising the first sentence to read as follows:

§ 709.0 Scope.

The rules and procedures in this part apply to charter revocations of federal credit unions under 12 U.S.C. 1787(a)(1)(A), (B), the involuntary liquidation and adjudication of creditor claims in all cases involving federally-insured credit unions, the treatment by the Board as conservator or liquidating agent of financial assets transferred in connection with a securitization or participation or of public funds held by a federally-insured credit union, and the allowance of prepayment fees to Federal Home Loan Banks under specified conditions. * * *

3. Add § 709.12 to part 709 to read as follows:

§ 709.12 Prepayment Fees to Federal Home Loan Bank.

The Board as conservator or liquidating agent of a federally-insured credit union in receipt of any extension of credit from a Federal Home Loan Bank will allow a claim for a prepayment fee by the Bank if:

(a) The claim is made pursuant to a written contract that provides for a prepayment fee but the prepayment fee allowed by the Board will not exceed the present value of the loss attributable to the difference between the contract rate of the secured borrowing and the reinvestment rate then available to the Bank; and

(b) The indebtedness owed to the Bank is secured by sufficient collateral in which a perfected security interest in favor of the Bank exists or as to which the Bank's security interest is entitled to priority under section 306(d) of the Competitive Equality Banking Act of 1987, 12 U.S.C. 1430(e) footnote (1), or otherwise so that the aggregate of the outstanding principal on the advances secured by the collateral, the accrued but unpaid interest on the outstanding principal and the prepayment fee applicable to the advances can be paid in full from the amounts realized from the collateral. For purposes of this paragraph, the adequacy of the collateral will be determined as of the date the prepayment fees are due and payable under the terms of the written contract.

[FR Doc. 01–4361 Filed 2–22–01; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–33]

RIN 2120–AA66

Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Douglas; WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the legal descriptions of three Federal airways that use the Douglas, WY, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) in their route structure. Currently, the Douglas VOR/DME and the Converse County, WY, Airport share the same location identifier. The fact that the VOR/DME and the airport are not collocated has led to confusion among users. To eliminate this confusion, the Douglas VOR/DME will be renamed the ''Hipsher VOR/DME,'' and all the airways with ''Douglas VOR/DME'' included in their legal descriptions will be amended, concurrent with the

effective date of this final rule, to reflect the name change.

EFFECTIVE DATE: 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends 14 CFR part 71 (part 71) by changing the legal descriptions of three Federal airways that have ''Douglas VOR/DME'' included as part of their route structure. Currently, the Douglas VOR/DME and the Converse County, WY Airport share the same location identifier. The fact that the VOR/DME and the airport are not collocated has led to confusion among users. To eliminate this confusion, the Douglas VOR/DME will be renamed the ''Hipsher VOR/DME,'' and all the airways with ''Douglas VOR/DME'' included in their legal descriptions will be amended to reflect the name change. The name change of the VOR/DME will coincide with the effective date of this rulemaking action.

Since this action merely involves editorial changes in the legal description of three Federal airways, and does not involve a change in the dimensions or operating requirements of that airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E, AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–247 [Revised]

From Scottsbluff, NE, 75 MSL, INT Scottsbluff 307° and Hipsher, WY, 109° radials, 75 MSL, Hipsher; 90 miles 75 MSL, Crazy Woman, WY; INT Crazy Woman 347° and Sheridan, WY, 137° radials; Sheridan; INT Sheridan 327° and Billings, MT, 116° radials; Billings; INT Billings 301° and Helena, MT, 089° radials; to Helena.

* * * * *

V–254 [Revised]

From Hipsher, WY, via Gillette, WY, via Miles City, MT; to Glasgow, MT.

* * * * *

V–547 [Revised]

From Cheyenne, WY; INT Cheyenne 002° and Hipsher 152° radials; Hipsher, WY; to Casper, WY.

* * * * *

Issued in Washington, DC, on February 15, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–4542 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 101

[Docket No.: 000609172–1040–03]

RIN 0607–AA33

Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Secretary of Commerce is issuing a final rule to revoke a delegation of authority to the Director of the Census. By that delegation the Secretary authorized the Director of the Census to make a determination regarding the methodology to be used in calculating the tabulations of population to be reported to States and localities pursuant to 13 U.S.C. 141(c). This final rule will require that this determination be made by the Secretary, and establishes an open and fair decision-making process.

DATES: This rule is effective February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Alden F. Abbott, Acting General Counsel, U.S. Department of Commerce, (202) 482–1328.

SUPPLEMENTARY INFORMATION: Through the Census Act, which is codified in title 13 of the United States Code, Congress has delegated to the Secretary of Commerce its broad constitutional authority over the decennial census (see U.S. Constitution Art. I, Sec. 2, Cl.3). On October 6, 2000, the Commerce Department issued a final rule that set forth how the Bureau of the Census will carry out its responsibilities to report tabulations of population to States and localities pursuant to the Census Act. *See* 65 FR 59712 (October 6, 2000). That rule established a process for the release of data to the States and codified the process by which a committee of senior career officials of the Census Bureau would advise the Director of the Census. In addition, that rule contained a delegation of authority from the Secretary to the Director of the Census to make a determination regarding the methodology to be used in calculating the tabulations of population to be reported to States and localities pursuant to 13 U.S.C. 141(c).

The October 6, 2000, final rule delegated the methodological determination to the Census Director. Reflecting the character of its

responsibilities, the position of Census Director is held by a person who is appointed by the President and confirmed by the Senate. At the present time, the Deputy Director, a career civil servant, is serving as Acting Director. It is unlikely that a new Director will be nominated by the President and confirmed by the Senate prior to the time that this decision must be made. Consistent with Congress' delegation of authority specifically to the Secretary to make the decision regarding the tabulations contemplated by 13 U.S.C. 141(c), and in recognition of the accountability properly expected of the person making the methodological decisions underlying those tabulations, the Secretary has determined that, in the current circumstances, he is the appropriate official to make the final determinations concerning the tabulations of populations to be reported pursuant to 13 U.S.C. 141(c). The Secretary will continue to seek the advice of the statistical experts at the Census Bureau to inform his decision. The Secretary, in his discretion, might also seek the advice of other individuals with knowledge of this issue.

The October 6, 2000, rule further established a process for the release of data to the States to meet the requirements of 13 U.S.C. 141(c). The process in the regulation envisioned two scenarios. First, where the decision was made to use sampling to produce the tabulations of population to report to States and localities after a recommendation by the Census Bureau committee to do so, the October 6, 2000, rule incorporated the requirement of section 209(j) of Public Law 105–119 to also release simultaneously data prepared without the use of such statistical method. Second, the October 6, 2000, rule adopted a new requirement (not mandated by section 209(j)) that, if the decision was made to produce tabulations of population without the use of statistical adjustment notwithstanding a recommendation by the Census Bureau committee to do so, data prepared with the use of such method would be made available to the public simultaneously with the release of data prepared without the use of statistical adjustment. Not discussed in the October 6, 2000, rule was the release of data when the Census Bureau committee recommended statistical adjustment not be used and that recommendation was adopted. Because the Department can not rule out situations in which the release of data produced by statistical adjustment might be inappropriate (for instance the release of statistics with material error), the Secretary has decided to remove this section of the regulation for further study.

Administrative Law Requirements

Executive Order 12866

This final rule has been determined to be not significant under section 3(f) of Executive Order 12866.

Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 553(b)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and an opportunity for public comment. This rule of agency organization, procedure and practice is not a substantive rule subject to the requirement, in 5 U.S.C. 553(d), for a 30-day delay in effective date.

Paperwork Reduction Act

This final rule contains no new information collection requests subject to the Paperwork Reduction Act.

Regulatory Flexibility Act

Because this rule is not subject to the requirement to provide prior notice and an opportunity for public comment under 5 U.S.C. 553, or any other law, it is not subject to the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Unfunded Mandate Reform Act of 1995

This rule contains no Federal mandates, as that term is defined in the Unfunded Mandates Reform Act, on State, local and tribal governments or the private sector.

Executive Order 12630

This rule does not contain policies that have takings implications.

List of Subjects in 15 CFR Part 101

Administrative practice and procedure, Census data.

Donald L. Evans,

Secretary of Commerce.

For the reasons set out in the preamble, 15 CFR part 101 is amended as follows:

PART 101—RELEASE OF DECENNIAL CENSUS POPULATION INFORMATION

1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 4, 141, 195; 15 U.S.C. 1512.

2. Section 101.1 is revised to read as follows:

§ 101.1 Report of tabulations of population to States and localities pursuant to 13 U.S.C. 141(c).

(a)(1) The Secretary of Commerce shall make the final determination regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c). The determination of the Secretary will be published in the **Federal Register**.

(2) The Secretary shall not make the determination specified in paragraph (a)(1) of this section until after he or she receives the recommendation of the Director of the Census, together with the report of the Executive Steering Committee for A.C.E. Policy, in accordance with paragraph (b)(1) of this section.

(b)(1) The Executive Steering Committee for A.C.E. Policy shall prepare a written report to the Director of the Census analyzing the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c), and the factors relevant to the possible choices of methodology. The Director of the Census will forward the Executive Steering Committee for A.C.E. Policy report and his or her recommendation on methodology, if any, to the Secretary of Commerce.

(2) The recommendation of the Director of the Census, together with report of the Executive Steering Committee for A.C.E. Policy described in paragraph (b)(1) of this section, shall be released to the public at the same time it is delivered to the Secretary. This release to the public shall include, but is not limited to, posting of the report on the Bureau of the Census website and publication of the report in the **Federal Register**.

(3) The Executive Steering Committee for A.C.E. Policy is composed of the following employees of the Bureau of the Census:

(i) Deputy Director and Chief Operating Officer;

(ii) Principal Associate Director and Chief Financial Officer;

(iii) Principal Associate Director for Programs;

(iv) Associate Director for Decennial Census (Chair);

(v) Assistant Director for Decennial Census;

(vi) Associate Director for Demographic Programs;

(vii) Associate Director for Methodology and Standards;

(viii) Chief; Planning, Research, and Evaluation Division;

(ix) Chief; Decennial Management Division;

(x) Chief; Decennial Statistical Studies Division;

(xi) Chief; Population Division; and

(xii) Senior Mathematical Statistician.

§ 101.2 [Removed]

3. Section 101.2 is removed.

[FR Doc. 01–4438 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–07–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–014]

Drawbridge Operation Regulations; Siesta Key Bridge (SR 758), Sarasota, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Siesta Key Bridge (SR 758) across the Gulf Intracoastal Waterway, mile 71.6, Sarasota County, Sarasota, Florida. This deviation allows the drawbridge owner or operator to only open one leaf of the drawbridge, from 8 a.m. until 5 p.m., on March 5, 2001 and March 6, 2001. This temporary deviation is required to allow the bridge owner to safely complete maintenance on the bridge.

DATES: This deviation is effective from 8 a.m. on March 5, 2001 until 5 p.m. on March 6, 2001.

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

SUPPLEMENTARY INFORMATION: The Siesta Key Bridge across the Gulf Intracoastal Waterway at Sarasota County, Sarasota, is a double leaf bridge with a vertical clearance of 21 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. On January 24, 2001, the Florida Department of Transportation, the drawbridge owner, requested a deviation from the current operating regulations in 33 CFR 117.287(b–1). These regulations require the draw to open on signal, except from 11 a.m. to 6 p.m. daily, the draw need only open on the hour, 20 minutes past the hour, and 40 minutes past the hour. This temporary deviation was requested to allow necessary maintenance to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.287(b–1) for the purpose of maintenance on the drawbridge. Under this deviation, the Siesta Key Bridge need only open one leaf from 8 a.m. until 5 p.m., March 5, 2001 and March 6, 2001.

Dated: February 14, 2001.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 01–4548 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–013]

Drawbridge Operation Regulations; Cortez Bridge (SR 684), Cortez, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Cortez Bridge across the Gulf Intracoastal Waterway, mile 87.4, Sarasota County, Cortez, Florida. This deviation allows the drawbridge owner or operator to only open one leaf of the drawbridge, from 8 a.m. until 5 p.m., on March 12, 2001 and March 13, 2001. This temporary deviation is required to allow the bridge owner to safely complete maintenance on the bridge.

DATES: This deviation is effective from 8 a.m. on March 12, 2001 until 5 p.m. on March 13, 2001.

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

SUPPLEMENTARY INFORMATION: The Cortez Bridge across the Gulf Intracoastal Waterway at Sarasota County, Cortez, FL is a double leaf bridge with a vertical clearance of 25.5 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. On January 24, 2001, the Florida Department of Transportation, the drawbridge owner, requested a deviation from the current operating regulations in 33 CFR 117.287(d)(1). Those regulations require the draw to open on signal, except from 7 a.m. to 6 p.m., the draw need only open on the hour, twenty minutes past the hour, and forty minutes past the hour. This temporary deviation was requested to allow necessary maintenance to the drawbridge in a critical time sensitive manner.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.287(d)(1) for the purpose of maintenance on the drawbridge. Under this deviation, the Cortez Bridge need only open one leaf from 8 a.m. until 5 p.m. on March 12, 2001 and March 13, 2001.

Dated: February 14, 2001.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 01–4547 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6768–2]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendment.

SUMMARY: The EPA is issuing this final rule amendment to indefinitely stay the current compliance date of February 27, 2001, for the provisions pertaining to process contact cooling towers (PCCT) for existing affected sources producing poly (ethylene terephthalate) (PET) using the continuous terephthalic acid (TPA) high viscosity multiple end finisher process. On August 29, 2000, the EPA issued a direct final rule (65 FR 52319) and a parallel proposal (65 FR 52392) to stay the compliance date indefinitely because the EPA is in the process of responding to a request to reconsider relevant portions of the rule which may result in changes to the emission limitation applying to PCCT in this subcategory.

On September 20, 2000, the EPA received an adverse comment on the direct final rule for an indefinite stay of compliance. Therefore, the EPA withdrew the direct final rule (65 FR 64161; October 26, 2000). After considering the comments received, the EPA is promulgating the indefinite stay of compliance through this amendment.

EFFECTIVE DATE: February 23, 2001.

ADDRESSES: A docket, No. A–92–45, containing information considered by the EPA in the development of the standards for the Group IV Polymers and Resins, is available for public inspection and copying between 8 a.m. and 5 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, first floor, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, US EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, telephone (919) 541–5608, fax (919) 541–3470, and electronic mail: rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket. The docket is an organized and complete file of all the information considered in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's action will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules http://www.epa.gov/ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. The regulated category and entities affected by this action include:

Category	SIC	NAICS	Examples of regulated entities
Industry	2821	325211	Facilities that produce PET using the continuous TPA high viscosity multiple end finisher process.

This table is not intended to be exhaustive but, rather, provides a guide for readers likely to be interested in this action. To determine whether your facility is affected by this action, you should carefully examine all of the applicability criteria in 40 CFR part 63, subpart JJJ. If you have any questions regarding the applicability of this final rule amendment to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

On August 29, 2000, we proposed to indefinitely stay the compliance date specified in 40 CFR 63.1311(c) for the provisions contained in 40 CFR 63.1329 for existing affected sources producing PET using the continuous TPA high viscosity multiple end finisher process. The proposed indefinite stay applied only to the PCCT emission limitation at existing affected sources. It did not affect any other provisions of the rule applying to this subcategory or any other subcategories.

We proposed this indefinite stay of the compliance date because the EPA is in the process of responding to a request to reconsider relevant portions of the rule which may result in changes to the emission limitation applying to PCCT in this subcategory, and it is unlikely that the reconsideration process will be complete before actions are necessary to comply with the current PCCT standard. We intend to complete our reconsideration of the rule and take appropriate action as expeditiously as practical. Following our reconsideration of the rule, we will establish a new compliance date for the provisions contained in 40 CFR 63.1329. For these reasons, we are providing an indefinite stay of the compliance date.

We received one adverse comment letter on the proposed indefinite stay, a follow-up letter from the same commenter, and one favorable comment letter. On August 29, 2000, we also issued a parallel direct final rule (65 FR 52319). Because we received an adverse comment, we withdrew the direct final rule on October 26, 2000 (65 FR 64161). In this final amendment, we are addressing the adverse comment and promulgating the proposed rule as presented in the August 29, 2000, **Federal Register** notice without modification.

II. What Does the Final Rule Say?

We are issuing an indefinite stay of the existing source compliance date associated with the PCCT standard for the Group IV Polymers and Resins National Emission Standards for Hazardous Air Pollutant (NESHAP) Emissions (40 CFR 63.1311(c), subpart JJJ) for existing affected sources producing PET using the continuous TPA high viscosity multiple end finisher process.

III. What Are the Major Comments and Responses to Those Comments?

We received one adverse comment which objected to the ''open-ended'' aspect of the stay. The commenter stated that the EPA must establish a ''firm'' date for the indefinite stay and the completion of its consideration of KoSa's petition for reconsideration.

After receiving the adverse comment, we discussed with the commenter their concerns regarding the ''open-ended'' nature of the stay. We explained, as we had stated in the proposal, that we could not set a firm date at this time because it was unclear when our reconsideration of the pending administrative petitions would conclude. We stated that we planned to set a firm date once we completed the reconsideration. The commenter submitted a second comment letter withdrawing its objection to the proposed stay. We also received one comment supporting an indefinite stay.

IV. What Are the Changes Since Proposal?

No changes have been made to the proposed indefinite stay (65 FR 52392). Thus, this final rule amendment is identical to that presented in the proposed rule.

V. What Are the Impacts of the Final Rule?

This indefinite stay affects a single facility. We do not believe that this stay will, as a practical matter, affect the overall effectiveness of the Group IV Polymers and Resins NESHAP.

VI. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) on the basis of the requirements of the Executive Order in addition to its normal review requirements. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Today's action does not fall within any of the four categories described above and, therefore, does not constitute a ''significant regulatory action'' within the meaning of Executive Order 12866 and was not required to be reviewed by OMB.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

This final rule amendment does not have federalism implications. It will not 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. This is because the final action applies to affected sources in the PET facilities, not to States or local governments. Nor will State law be preempted, or any mandates be imposed on States or local governments. Thus, the requirements of section 6 of the Executive Order do not apply to this final action.

C. Executive Order 13084, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If we comply by consulting, we are required by Executive Order 13084 to provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's final action does not significantly or uniquely affect the communities of Indian tribal governments because they do not own or operate any of the sources affected by this rule. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined in Executive Order 12866, and it is based on technology performance and not on health or safety risks.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must generally prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least-costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that today's action does not contain a Federal

mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Instead, this rule amendment provides additional time to comply with certain requirements of the Group IV Polymers and Resins NESHAP. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

We also have determined that this action contains no regulatory requirements that might significantly or uniquely affect small governments. This rule does not impose any enforceable duties on small governments, i.e., they own or operate no sources subject to this rule and, therefore, are not required to purchase control systems to meet the requirements of this rule.

F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 et seq.

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule amendment. The EPA also has determined that this rule amendment will not have a significant impact on a substantial number of small entities. Only one entity is subject to the PCCT standard, and it is not a small entity. In addition, this rule amendment will relieve regulatory burden for the entity subject to the PCCT standard.

G. Paperwork Reduction Act

For the Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the OMB under the Paperwork Reduction Act. The OMB approved the information collection requirements and assigned OMB control number 2060–0351. An Agency 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 OMB control numbers for the EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The EPA has amended 40 CFR part 9, section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

Today's action has no impact on the information collection burden estimates made previously. Therefore, the Information Collection Request has not been revised.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, (15 U.S.C. 272 note), directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or would be otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test method, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials, the National Fire Protection Association, and the Society of Automotive Engineers. The NTTAA requires Federal agencies like the EPA to provide Congress, through OMB, with explanations when the EPA decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards.

I. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final rule will be effective on February 23, 2001.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 19, 2001.

Carol M. Browner,

Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 63, subpart JJJ is being amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

2. Amend § 63.1311 by revising paragraph (c) to read as follows:

§ 63.1311 Compliance dates and relationship of this subpart to applicable rules.

* * * * *

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.1331 for which compliance is covered by paragraph (d) of this section) no later than June 19, 2001, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section, except that the compliance date for the provisions contained in § 63.1329 is extended to February 27, 2001, for existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process.

[Note to paragraph (c): The compliance date of February 27, 2001 for the provisions of § 63.1329 for existing affected sources whose primary product, as determined using the procedures specified in 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for these sources.]

* * * * *

[FR Doc. 01–2220 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 99–200; CC Docket No. 96–98; FCC 00–429]

Numbering Resource Optimization

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (FCC or Commission)

amended its rules in order to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.

DATES: The amendments to 47 CFR 52.15, which contain information collection requirements, are published at 66 FR 9528 (Feb. 8, 2001) and became effective on January 25, 2001.

FOR FURTHER INFORMATION CONTACT: Sanford Williams, (202) 418–2320 or email at *swilliam@fcc.gov* or Cheryl Callahan at (202) 418–2320 or *ccallaha@fcc.gov*.

SUPPLEMENTARY INFORMATION: On December 7, 2001, the Commission adopted a report and order to implement strategies designed to improve the efficient use of numbering resources in the NANP, a summary of which was published in the **Federal Register**. See 66 FR 9528. Sections 52.15(g)(4) and 52.15(k)(1) contain new information collection requirements. We stated that those sections ''contain information collections that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of those sections.'' The information collections were approved by OMB on January 25, 2001. See OMB No. 3060–0971. This publication satisfies our statement that the Commission publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4425 Filed 2–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 00–44, FCC 00–343]

Extension of the Filing Requirement for Children's Television Programming Reports (FCC Form 398)

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission revised the children's educational television reporting requirements of commercial broadcast television licensees, which involved a number of revisions to FCC Form 398, the Children's Television Programming Report. Certain of these rule and form revisions contained new and modified information collection requirements and were published in the **Federal Register** on November 9, 2000. This document announces the effective date of the revised rules and form.

DATES: The revisions to § 73.3526(e)(11)(iii), published at 65 FR 67283 (November 9, 2000), became effective on January 1, 2001. The revised Form 398 will be used for the quarterly Children's Television Programming Reports due to be filed by April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Kim Matthews, Mass Media Bureau, Policy and Rules Division, (202) 418–2130.

SUPPLEMENTARY INFORMATION: On December 15, 2000, the Office of Management and Budget (OMB) approved the information collection requirements contained in the revised 47 CFR 73.3526(e)(11)(iii) and FCC Form 398 pursuant to OMB Control Nos. 3060–0754. Accordingly, the information collection requirements contained in this rule became effective on January 1, 2001, and the revised form will be used for the quarterly Children's Television Programming Report due to be filed by April 10, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4424 Filed 2–22–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991008273-0070-02; I.D. 021601C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Trip limit reduction.

SUMMARY: NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the southern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the overfished Gulf king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 20, 2001, through June 30, 2001, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on February 19, 1998 (63 FR 8353) NMFS implemented a commercial quota of 2.34 million lb (1.06 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. On April 27, 2000, NMFS divided the Florida west coast subzone of the eastern zone into northern and southern subzones and established a separate quota for the southern Florida west coast subzone of 1,082,250 lb (490,900 kg) (65 FR 16336, March 28, 2000). That quota was further divided into two equal quotas of 541,125 lb (245,450 kg) for vessels in each of two groups fishing with hook-and-line gear and run-around gillnets (50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

In accordance with 50 CFR 622.44(a)(2)(ii)(B)(*2*), from the date that 75 percent of the southern Florida west coast subzone's quota has been harvested until a closure of the subzone's fishery has been effected or the fishing year ends, king mackerel in or from the EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 500 lb (227 kg) per day.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel for vessels using hook-and-line gear in the southern Florida west coast subzone will be reached by

February 19, 2001. Accordingly, a 500–lb (227–kg) trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the southern Florida west coast subzone effective 12:01 a.m., local time, February 20, 2001.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4′ N . lat., which is a line directly east from the Miami-Dade County, FL, boundary. The Florida west coast subzone is further divided into northern and southern subzones. The southern subzone is that part of the Florida west coast subzone which from November 1 through March 31 extends south and west from 25°20.4′ N. lat. to 26°19.8′ N. lat.(a line directly west from the Lee/Collier County, FL, boundary), i.e., the area off Collier and Monroe Counties. From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone which is between 26°19.8′ N. lat. and 25°48′ N. lat.(a line directly west from the Monroe/Collier County, FL, boundary), i.e., the area off Collier County.

Classification

This action responds to the best available information recently obtained from the fishery. The reduced trip limit must be implemented immediately because 75 percent of the quota has been harvested. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.44(a)(2)(iii) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 16, 2001.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4431 Filed 2–16–01; 3:57 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 37
Friday, February 23, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 749

Records Preservation Program

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA proposes to revise its regulation establishing standards for vital record preservation. The proposal clarifies that a credit union may preserve records in electronic form, as authorized by the Electronic Signatures in Global and National Commerce Act. By eliminating the requirement that a credit union's financial officer be responsible for storing vital records, the revision permits a credit union's board of directors to determine which employee will be responsible for storing vital records under the record preservation program. It also incorporates an appendix to provide suggested guidelines to credit unions on retention periods for various types of records.

DATES: Comments must be received on or before April 24, 2001.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Fax comments to (703) 518–6319. E-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Dianne M. Salva, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION: NCUA is proposing a revision of its regulation governing the preservation of vital records. The revision simplifies the regulation by converting it to a question and answer format. It also updates and clarifies the provision of the regulation that currently permits a credit union to store records in any format that can be used to reconstruct the credit union's files. By implementing the record retention provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001, the revision clarifies that credit unions may store records in any electronic format that is accurate, accessible and capable of being reproduced by printing, transmittal or other methods.

The current regulation designates that the credit union's financial officer is responsible for vital records preservation duties. The Board finds that the credit union's board of directors may reasonably assign the duties to another staff member. The revision permits a credit union's board of directors to determine which employee will be responsible for carrying out the vital record preservation duties.

Section 749.2 of the proposal restates the provision in the existing regulation that credit unions whose records are retained by off-site data processors are deemed to be in compliance for those records. The Board notes that credit unions should exercise care in the selection of an off-site data processor to ensure that it is capable of producing the records if requested.

There is a need for guidance in the area of record retention based on the frequency of requests for assistance from credit unions. Although similar guidance is available in the NCUA Accounting Manual for Credit Unions, it will be more accessible as an appendix to the regulation. For those reasons, the revision incorporates an appendix that offers guidance on recommended retention periods for various types of credit union records.

Regulatory Procedures

Paperwork Reduction Act

NCUA has determined that the proposed regulation does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to all federally insured credit unions. It will not 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. NCUA has determined that the proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families.

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether the proposed rule is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 749

Archives and records, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on February 15, 2001.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, it is proposed that 12 CFR Part 749 is revised to read as follows:

PART 749—RECORDS PRESERVATION PROGRAM AND RECORD RETENTION APPENDIX

Sec.
749.0 What is covered in this part?
749.1 What are vital records?
749.2 What must a credit union do with vital records?
749.3 What is a vital records center?
749.4 What format may the credit union use for preserving records?
749.5 What format may credit unions use for maintaining writings, records or information required by other NCUA regulations?

Appendix A to Part 749—Record Retention Guidelines

Authority: 12 U.S.C. 1766, 1783 and 1789, 15 U.S.C. 7001(d).

§ 749.0 What is covered in this part?

This part describes the obligations of all federally insured credit unions to maintain a records preservation program to identify, store and reconstruct vital records in the event that the credit union's records are destroyed. It establishes flexibility in the format credit unions may use for maintaining writings, records or information required by other NCUA regulations. The appendix also provides guidance concerning the appropriate length of time credit unions should retain various types of operational records.

§ 749.1 What are vital records?

Vital records include at least the following records, as of the most recent month-end:

(a) A list of share, deposit, and loan balances for each member's account which:

(1) Shows each balance individually identified by a name or number;

(2) Lists multiple loans of one account separately; and

(3) Contains information sufficient to enable the credit union to locate each member, such as address and telephone number, unless the board of directors determines that the information is readily available from another source.

(b) A financial report, which lists all of the credit union's asset and liability accounts and bank reconcilements.

(c) A list of the credit union's financial institutions, insurance policies, and investments. This information may be marked ''permanent'' and stored separately, to be updated only when changes are made.

§ 749.2 What must a credit union do with vital records?

The board of directors of a credit union is responsible for establishing a vital records preservation program within 6 months after its insurance certificate is issued. The vital records preservation program must contain procedures for storing duplicate vital records at a vital records center and must designate the staff member responsible for carrying out the vital records duties. Records must be stored every 3 months, within 30 days after the end of the 3-month period. Previously stored records may be destroyed when the current records are stored. The credit union must also maintain a records preservation log showing what records were stored, where the records were stored, when the records were stored, and who sent the records for storage. Credit unions, which have some or all of their records maintained by an off-site data processor, are considered to be in compliance for the storage of those records.

§ 749.3 What is a vital records center?

A vital records center is defined as a storage facility at any location far enough from the credit union's offices to avoid the simultaneous loss of both sets of records in the event of disaster.

§ 749.4 What format may the credit union use for preserving records?

Preserved records may be in any format that can be used to reconstruct the credit union's records. Formats include paper originals, machine copies, micro-film or fiche, magnetic tape, or any electronic format that accurately reflects the information in the record, remains accessible to all persons who are entitled to access by statute, regulation or rule of law, and is capable of being reproduced by transmission, printing or otherwise.

§ 749.5 What format may credit unions use for maintaining writings, records or information required by other NCUA regulations?

Various NCUA regulations require credit unions to maintain certain writings, records or information. Credit unions may use any format, electronic or other, for maintaining the writings, records or information that accurately reflects the information, remains accessible to all persons who are entitled to access by statute, regulation or rule of law, and is capable of being reproduced by transmission, printing or otherwise. The credit union must maintain the necessary equipment or software to permit an examiner access to the records during the examination process.

Appendix A to Part 749—Record Retention Guidelines

Credit unions often look to NCUA for guidance on the appropriate length of time to retain various types of operational records. NCUA does not regulate in this area, but as an aid to credit unions it is publishing this appendix of suggested guidelines for record retention. NCUA recognizes that credit unions must strike a balance between the competing demands of space, resource allocation and the desire to retain all the records that they may need to conduct their business successfully. Efficiency requires that all records that are no longer useful be discarded, just as both efficiency and safety require that useful records be preserved and kept readily available.

A. What Format Should the Credit Union Use for Retaining Records?

NCUA does not recommend a particular format for record retention. If the credit union stores records on microfilm, microfiche, or in an electronic format, the stored records must be accurate, reproducible and accessible to an NCUA examiner. If records are stored on the credit union premises, they should be immediately accessible upon the examiner's request; if records are stored by a third party or off-site, then they should be made available to the examiner within a reasonable time after the examiner's request. The credit union must maintain the necessary equipment or software to permit an examiner to review and reproduce stored records upon request. The credit union should also ensure that the reproduction is acceptable for submission as evidence in a legal proceeding.

B. Who is Responsible for Establishing a System for Record Disposal?

The credit union's board of directors may approve a schedule authorizing the disposal of certain records on a continuing basis upon expiration of specified retention periods. A schedule provides a system for disposal of records and eliminates the need for board approval each time the credit union wants to dispose of the same types of records created at different times.

C. What Procedures Should a Credit Union Follow When Destroying Records?

The credit union should prepare an index of any records destroyed and retain the index permanently. Destruction of records should ordinarily be carried out by at least two persons whose signatures, attesting to the fact that records were actually destroyed, should be affixed to the listing.

D. What Are the Recommended Minimum Retention Times?

Record destruction may impact the credit union's legal standing to collect on loans or defend itself in court. Since each state can impose its own rules, it is prudent for a credit union to consider consulting with local counsel when setting minimum retention periods. A record pertaining to a member's account that is not considered a vital record may be destroyed once it is verified by the supervisory committee. Individual Share and Loan Ledgers should be

retained permanently. Records, for a particular period, should not be destroyed until both a comprehensive annual audit by the supervisory committee and a supervisory examination by the NCUA have been made for that period.

E. What Records Should be Retained Permanently?

(1) Official records of the credit union that should be retained permanently are:

(a) Charter, bylaws, and amendments.

(b) Certificates or licenses to operate under programs of various government agencies, such as a certificate to act as issuing agent for the sale of U. S. savings bonds.

(c) Current manuals, circular letters and other official instructions of a permanent character received from the NCUA and other governmental agencies.

(2) Key operational records that should be retained permanently are:

(a) Minutes of meetings of the membership, board of directors, credit committee, and supervisory committee.

(b) One copy of each semiannual and annual (June 30 and December 31) financial report NCUA 5300 or their equivalents.

(c) One copy of each supervisory committee comprehensive annual audit report and attachments.

(d) Supervisory committee records of account verification.

(e) Applications for membership and joint share account agreements.

(f) Journal and cash record.

(g) General ledger.

(h) Copies of the periodic statements of members, or the individual share and loan ledger. (A complete record of the account should be kept permanently.)

(i) Bank reconcilements.

(j) Listing of records destroyed.

F. What Records Should a Credit Union Designate for Periodic Destruction?

Any record not described above is appropriate for periodic destruction unless it must be retained to comply with the requirements of consumer protection regulations. Periodic destruction should be scheduled so that the most recent of the following records are available for the annual supervisory committee audit and the NCUA examination. Records that may be periodically destroyed include:

(a) Applications of paid off loans.

(b) Paid notes.

(c) Various consumer disclosure forms, unless retention is required by law.

(d) Cash received vouchers.

(e) Journal vouchers.

(f) Canceled checks.

(g) Bank statements.

(h) Outdated manuals, canceled instructions, and nonpayment correspondence from the NCUA and other governmental agencies.

[FR Doc. 01–4398 Filed 2–22–01; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it is extending the public comment period on a document reviewing our existing regulations, which was published in the **Federal Register** on December 26, 2000 (65 FR 81465). The document requests comments on regulations that could be more performance based, or on regulations that should be eliminated or revised. We also gave a status update on actions by MMS regarding comments previously received on our regulations. MMS will grant a 30-day extension until March 28, 2001.

DATES: Written comments must be received by March 28, 2001.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service; Mail Stop 4230; 1849 C Street NW; Washington DC 20240; Attention: Elizabeth Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Elizabeth Montgomery, Policy and Management Improvement, telephone: (202) 208–3976; Fax: (202) 208–4891; and E-Mail: *Elizabeth.Montgomery@mms.gov.*

SUPPLEMENTARY INFORMATION: MMS was asked to extend the deadline for submitting comments on the document, ''Review of Existing Regulations, Request for Comment.'' The requester indicated that more time was needed to comment due to the change of Administration. We believe the extension of time until March 28, 2001, will give the public sufficient time to comment on our existing regulations and on the actions we have taken in response to past comments and enacted legislation.

Dated: February 14, 2001.

George Triebsch,

Chief, Washington Division, Policy and Management Improvement.

[FR Doc. 01–4436 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

46 CFR Parts 25 and 27

[USCG–2000–6931]

RIN 2115–AF53

Fire-Suppression Systems and Voyage Planning for Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period.

SUMMARY: In response to public requests, the Coast Guard is extending the comment period on its supplemental notice of proposed rulemaking (SNPRM) on Fire-Suppression Systems and Voyage Planning for Towing Vessels. Extending the comment period gives the public and the Towing Safety Advisory Committee (TSAC) more time to submit comments and recommendations on the issues raised in our SNPRM. These proposed rules would improve the safety of towing vessels by requiring the installation of fixed fire-extinguishing systems in their engine rooms, and by requiring their owners or operators, and their masters, to ensure that voyage plans are complete before they commence their trips with any barge in tow.

DATES: Comments on the SNPRM must reach the Coast Guard on or before May 8, 2001.

ADDRESSES: You may mail written comments to the Docket Management Facility [USCG–2000–6931], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. You may also E-mail comments using the Marine Safety and Environmental Protection Regulations Web Page at *http://www.uscg.mil/hq/g-m/regs/reghome.html.*

The Docket Management Facility maintains the public docket for the rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on viewing, or submitting material to, the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329. For information on the SNPRM provisions contact (for fire suppression) Mr. Randall Eberly, P.E., Project Manager, Office of Design and Engineering Standards (G–MSE), telephone 202–267–1861, or contact (for voyage planning) Mr. Robert S. Spears, Project Manager, Office of Standards Evaluation and Development (G–MSR), telephone 202–267–1099.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to submit written data, views, or arguments. If you submit comments, you should include your name and address, identify the SNPRM [USCG–2000–6931; published in the **Federal Register** on November 8, 2000 (65 FR 66941)] and the specific section or question in the document to which your comments apply, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change the proposed rules in view of the comments.

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4549 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

POSTAL RATE COMMISSION

39 CFR Part 3000

[Docket No. RM2001–1; Order No. 1303]

Proposed Revision to Standards of Conduct

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes eliminating an ethics provision on procedures for reviewing employees' security holdings for conflicts of interest. These procedures have been overtaken by government-wide ethical standards and new screening procedures. Eliminating this provision will prevent confusion in the administration of the Commission's ethics program.

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Send comments to Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, 202–789–6820.

SUPPLEMENTARY INFORMATION: Currently, the Commission's standards of conduct [39 CFR part 3000] contain a de minimis rule. The de minimis rule provides that security interests held by a Commission employee that are valued below a certain amount will receive a different level of scrutiny for conflicts of interest than security interests valued above the specified amount. The Commission invites the public to comment on its proposal to delete its de minimis rule.

Rationale for the Proposed Change

Currently, rule 103(b) of the Commission's standards of conduct [39 CFR 3000.735–103(b)] requires the chairman of the Commission to determine an appropriate maximum limit on the value of an interest that a Commission employee may have in stocks, bonds, or other form of securities in any one entity. It authorizes the chairman to specifically approve maintaining a security interest above the maximum limit, if he determines that the interest is not so substantial as to be likely to affect the integrity of the service that the employee provides to the Commission.

The Commission finds that this procedure for screening security holdings for potential conflicts of interest has become redundant under the Commission's current screening procedures. Furthermore, 5 CFR part 2640 contains de minimis exemptions from the conflict of interest rules that are intended to govern federal agencies generally. This regulation was promulgated by the Office of Government Ethics (OGE) subsequent to the Commission's adoption of rule 103(b). The OGE has advised the Commission that its generally applicable de minimis exemptions supercede rule 103(b).

Original Purpose of the De Minimis Rule

The Commission's standards of conduct prohibit its employees from having a financial interest in companies ''whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service.'' Conversely, they allow Commission employees to have a financial interest in companies ''whose use of the mail is merely an incidental or minor factor in the general conduct of its business.'' See 39 CFR 3000.735–103(a).

More than 25 years ago, the Commission's general counsel set up internal guidelines for applying rule 103 that used a three-part test to analyze financial conflicts of interest. Some interests were categorized as conflicts per se, others were categorized as non-conflicts per se, and those that remained required specific approval by the chairman. See memo of general counsel Crutchfield to the Commission staff dated December 26, 1973.

The rigorous financial reporting required by the OGE since 1989, as a practical matter, supercedes this three-part test involving per se categories. The OGE's rules now require that every agency individually analyze every asset held by a policy-making employee that is worth over $1,000 for potential conflicts with that employee's official duties. For that reason, grouping assets into those that are regarded as conflicts per se, those that are regarded as non-conflicts per se, and those that require individual analysis, no longer simplifies the evaluation of financial conflicts that the Commission must perform.

In ethics practice, assuming that financial interests do not present a potentially significant conflict if they are below a certain market value is known as a de minimis rule. Under current rule 103(b), the chairman must select the market value of financial interests that are to be considered de minimis for purposes of conflicts analysis.

The original rationale for the de minimis rule was that most companies are affected to some degree by postal services. Therefore, even where the Commission had already determined that postal activity is a minor part of a particular company's business, the Commission feared that a conflict could arise if an employee were to concentrate investments in a few such companies. See memo to the Commission from David Ruderman, dated July 13, 1993, at 3. Because the Commission now screens all investments worth more than $1,000 for per se conflicts, it has routinely approved the holding of security interests that are above the de minimis amount. Accordingly, the screening procedure required by rule 103(b) has become redundant.

Because the conflicts analysis that current rule 103(b) requires has become redundant, and because it has been superceded by the de minimis rules of

5 CFR part 2640 that apply to federal agencies generally, the Commission proposes that current rule 103(b) be deleted.

Public Comment

Any public comment directed toward this proposal should be submitted within 30 days of the publication of this notice in the **Federal Register**.

Ordering Paragraphs

1. Public comment on the Commission's proposal to delete paragraph (b) from current rule 103 of its standards of conduct should be submitted within 30 days of the publication of this notice in the **Federal Register**.

2. The Secretary is directed to cause this notice of proposed rulemaking to appear in the **Federal Register**.

Dated: February 16, 2001.

Margaret P. Crenshaw,

Secretary.

List of Subjects in 39 CFR Part 3000

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, the Postal Rate Commission proposes to amend 39 CFR part 3000 as follows:

PART 3000—STANDARDS OF CONDUCT

1. The authority citation for part 3000 continues to read as follows:

Authority: 39 U.S.C. 3603; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR parts 2634 and 2636.

2. Revise § 3000.735–103 to read as follows:

§ 3000.735–103 Financial interests.

An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service. This paragraph does not proscribe interests in an entity or person whose use of the mail is merely an incidental or a minor factor in the general conduct of its business.

[FR Doc. 01–4432 Filed 2–22–01; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50639B; FRL–6771–4]

RIN 2070–AD43

Perfluorooctyl Sulfonates (PFOS); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) will conduct a public meeting on the proposed significant new use rule (SNUR) on PFOS published in the **Federal Register** issue of October 18, 2000. At this meeting, persons who filed written comments on the proposed SNUR will have the opportunity to clarify and expand on their comments, and all interested persons will be able to identify issues of concern.

DATES: The public meeting will be held from 9 a.m. to 4 p.m. on March 27, 2001. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Hwy., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Annette Washington, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–5315; e-mail address: washington.annette@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who filed written comments on the proposed SNUR for PFOS (65 FR 62319, October 18, 2000) (FRL–6745–5), or who uses products containing any of the 90 PFOS chemicals identified in the proposed SNUR. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'', ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–50639B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

II. Meeting Procedures

For additional information on the scheduled meeting, including the meeting agenda, contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

The meeting on the proposed PFOS SNUR will be open to the public. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the technical person at the earliest possible date to

ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical specific information should be directed to the technical person. A written meeting summary, including an attendance list and copies of all presentations made at the meeting, will be included in the official record of this proceeding described in Unit I.B.2.

List of Subjects

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: February 14, 2001.

Charles M. Auer,

Director, Chemical Control Division.

[FR Doc. 01–4404 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-day Finding for a Petition To List the Yellowstone Cutthroat Trout as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened, under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*). After review of the petition and all available scientific and commercial information, we find that the petition failed to present substantial information indicating that listing this subspecies of fish may be warranted at this time.

DATES: The finding announced in this document was made on February 15, 2001.

ADDRESSES: Requests for copies of the petition, its accompanying attachments, or other information pertaining to this petition finding should be submitted to Chief, Branch of Native Fishes Management, U.S. Fish and Wildlife Service, 4052 Bridger Canyon Road, Bozeman, Montana 59715. The petition and information used in support of the petition finding are available for inspection, during normal business hours and by appointment, at that address. The petition, as well as the complete list of references for the finding announced in the present document, also may be obtained at our Internet web site *http://www.r6.fws.gov/cutthroat/*.

FOR FURTHER INFORMATION CONTACT: Lynn R. Kaeding at the above address, or telephone 406/582–0717.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that within 90 days of receipt of a petition, to the maximum extent practicable, we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the requested action may be warranted. The finding is based upon all information provided or referenced in the petition and all other information available to us at the time the finding is made. Such 90-day findings are to be published promptly in the **Federal Register**.

On August 18, 1998, we received a formal petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened where it presently occurs in its historic range and to designate critical habitat for this subspecies of fish pursuant to the Act. The petitioners are Biodiversity Legal Foundation, Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Mr. George Wuerthner.

The Yellowstone cutthroat trout (YCT) is one of 13 subspecies of cutthroat trout recognized by Behnke (1992) that are native to interior regions of western North America. Cutthroat trout owe their common name to the distinctive red slash that occurs just below both sides of the lower jaw. Also among those 13 cutthroat trout subspecies is the finespotted Snake River cutthroat trout (*Oncorhynchus clarki* subsp.), the natural range of which is principally in the far-west, central region of Wyoming and almost entirely surrounded by that of YCT (Behnke 1992).

In their petition, the petitioners considered the finespotted Snake River cutthroat trout a morphological form of YCT. Such merging of taxons is supported by biochemical-genetic studies (cited by Behnke 1992) that revealed almost no differences between the YCT and finespotted cutthroat trout at the several gene loci examined. Nonetheless, the YCT and finespotted cutthroat trout are readily separated on the basis of the sizes and patterns of spots on the sides of the fish's body. The YCT has pronounced, medium to large spots that are round in outline and moderate in number, whereas the spots of the finespotted cutthroat trout are the smallest of any native trout in western North America and so profuse they resemble ''a heavy sprinkling of ground pepper'' (Behnke 1992).

Although Behnke (1992) considers the YCT and finespotted Snake River cutthroat trout distinct taxonomic entities, for the purposes of the finding described in this notice we will follow the position taken in the petition and consider the YCT and finespotted Snake River cutthroat trout to be a single taxonomic entity, the YCT. However, that position should not be considered the opinion of the Federal government with regard to the taxonomic validity of the finespotted Snake River cutthroat trout. Validation of such taxonomic classifications remains altogether within the domain of taxonomists, geneticists, and other qualified scientists. Furthermore, that position should not be interpreted as our criticism of, or lack of support for, ongoing management actions that treat the finespotted Snake River cutthroat trout as a unique taxonomic entity (e.g., Wichers 2000a).

The historic range of YCT generally consists of the waters of the Snake River drainage (Columbia River basin) upstream from Shoshone Falls, Idaho, and those of the Yellowstone River drainage (Missouri River basin) upstream from and including the Tongue River, in eastern Montana (Behnke 1992). Historic range in the Yellowstone River drainage thus includes large regions of Wyoming and Montana, whereas that of the Snake River drainage includes large regions of Wyoming and Idaho and small parts of Utah and Nevada (Behnke 1992). During their evolutionary history, YCT diverged genetically and morphologically from the other subspecies of cutthroat trout while YCT inhabited only the waters of the Columbia River basin. Soon after the ice of the last glacial period (i.e., the Pleistocene Epoch) receded, about 8,000 years ago, YCT from the Snake River drainage gained entry into the Yellowstone River drainage via connected headwater streams in Two Ocean Pass, south of present-day Yellowstone National Park (Behnke 1992; Trotter 1987). Subsequently, YCT spread downstream in the Yellowstone River drainage. Today, various YCT stocks remain in each of those major river drainages in Montana, Wyoming, Idaho, Utah, and Nevada.

On September 18, 1998, we notified the petitioners that our Listing Priority Guidance, published in the **Federal**

Register (63 FR 25502) on May 8, 1998, designated the processing of new listing petitions as a Tier 2 activity (i.e., of lower priority than the processing of emergency listings and pending final listing actions). We further informed the petitioners that we needed to complete a number of pending final rules, 12-month findings (e.g., westslope cutthroat trout (*Oncorhynchus clarki lewisi*) (65 FR 20120)), and other higher-priority activities before we could begin work on a 90-day finding for the YCT petition.

On January 12, 1999, we received Notice of Intent from Earthlaw, legal representatives for the petitioners, alleging that we had violated the Act by failing to make a finding as to whether or not the petition to list the YCT presented substantial information indicating that listing may be warranted. We responded to Earthlaw on February 8, 1999, reiterating that we would not be able to begin an evaluation of the YCT petition until the work on the higher-priority activities was completed. On November 12, 1999, plaintiffs filed a formal complaint in Federal District Court alleging that we had violated the Act by failing to publish a 90-day finding for their petition to list the YCT. On August 29, 2000, we reached a settlement agreement with plaintiffs stating that, among other things, we shall submit to the **Federal Register** a 90-day finding for the YCT on or before February 16, 2001.

Soon after we received the YCT petition, we provided it to natural resources agencies and Indian tribes whose responsibilities included management of YCT and their habitats. We informed those agencies and tribes of our inability to work on the petition at that time but also requested from them information on the present status of YCT, measures then underway to protect the subspecies, and comments and technical critiques pertaining to the petition. The comments that we received in response to that and subsequent requests, along with other information that was available to us, were used in arriving at the conclusions that we describe in the present document.

Petitioners' Assertions

In their petition, the petitioners assert that the range of YCT has been reduced substantially from historic levels and the subspecies faces serious, ongoing threats to its continued survival. The petitioners further assert that seven types of threats jeopardize the continued persistence of YCT. They highlighted four major threats: (1) The continuing negative effects of legal and illegal introductions and stocking of nonnative fishes that subsequently hybridize or compete with YCT, eliminate YCT through competition, or prey upon YCT; (2) excessive harvest by anglers; (3) habitat degradation and fragmentation; and (4) whirling disease (caused by a nonnative parasite).

The three additional threats to YCT identified by the petitioners are: (5) invasion of some YCT habitats by the nonnative New Zealand mud snail; (6) that contemporary management of YCT is fraught with severe deficiencies, including a general lack of emphasis on protecting and restoring habitat necessary for viable, self-sustaining YCT stocks and management programs biased toward protecting only those YCT stocks that are genetically pure; and (7) that effective, coordinated management actions directed toward protection and restoration of YCT and their habitats across the subspecies' range, as well as the mandate needed to apply more of the budgets and personnel of natural resource agencies to those activities, can only be achieved by listing the YCT as threatened under the Act. Although the petitioners acknowledge that several current management programs attempt to reduce some of the alleged threats, they assert that the majority of those threats remain inadequately addressed or entirely unaddressed.

Assessment of the Petition and Other Available Information

In response to our requests, we received information pertaining to YCT from State game and fish departments, the U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, and tribal governments (see ''References Cited''). State game and fish departments in Montana, Wyoming, and Idaho provided detailed information on the status of YCT in their respective states, as did Yellowstone National Park. We also reviewed information on YCT obtained from scientific journal articles, agency reports, and file documents.

We evaluated whether the information provided or cited in the petition to list YCT as a threatened species met the Act's standard for ''substantial information.'' Substantial information is defined (50 CFR 424.14(b)) as ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted.'' Consequently, we will respond to each of the major assertions made in the petition and designated by parenthetical numerals in ''Petitioners' Assertions''.

(1) The scientific and commercial information available to us does not support the assertion that continuing negative effects of legal and illegal introductions and stocking of nonnative fishes pose a significant threat to the continued existence of YCT. Present-day stocking of fish by management agencies does not pose a threat to extant YCT stocks. In Montana and in Yellowstone National Park, stocking of fishes in waters inhabited by YCT no longer occurs (Graham 1999; Varley 1999). In Idaho, only Henry's Lake, Palisades Reservoir, and Tin Cup Creek are stocked with hatchery cutthroat trout (Moore 2000a), in contrast with the petitioner's allegations. Moreover, during 2000, those few Idaho streams in which the stocking of rainbow trout (*Oncorhynchus mykiss*) continued received mostly sterile rainbow trout; it is anticipated that virtually all hatchery rainbow trout stocked in the range of YCT in Idaho in 2001 will be sterile fish (Moore 2000a). No hatchery rainbow trout of any type are presently stocked into any Idaho streams known to contain genetically pure YCT stocks (Moore 2000a). In Wyoming, maintenance of all subspecies of native cutthroat trout has been a management priority for more than 40 years (Stone 1995); State Game and Fish Commission policy precludes the stocking of fish into waters that are capable of sustaining satisfactory, self-sustaining fisheries (Stone 2000), and no hatchery rainbow trout are stocked into any streams known to contain genetically pure YCT stocks. A biologically based protocol for hatchery rearing and subsequent stocking of fish, with emphasis on management for native fish and wild fish wherever possible, has been followed in Wyoming for many years (Wiley 1995). Only 3 percent of the streams listed in the Wyoming Game and Fish Department's database inventory are stocked annually (Stone 1995).

Nonetheless, many nonnative fishes formerly stocked by management agencies have established self-sustaining stocks within the historic range of YCT. In some instances those nonnative fishes are now a concern to fisheries managers (e.g., Moore 2000a; Varley 1999) because the fish may prey upon or compete with YCT, particularly if the nonnative species move into and colonize new areas. But evidence from Montana, Idaho, and Wyoming indicates the presence of introduced, nonnative fishes does not necessarily portend the imminent decline or elimination of YCT stocks in streams (McDonald 2000; Moore 2000a; Wichers 2000a). Illegal

introductions of nonnative fishes remain a problem, as evidenced by the recent discovery of a reproducing population of nonnative lake trout (*Salvelinus namaycush*) in Yellowstone Lake, in Yellowstone National Park. The petitioners consider those lake trout a major threat to YCT in Yellowstone Lake and its connected streams. Although the National Park Service also considers the lake trout a serious threat to the lake's YCT stocks, the magnitude of that threat cannot be determined at the present time; park personnel are aggressively reducing the lake trout population in the lake, and some important indicators of YCT abundance in the lake actually show evidence of increasing trends (Varley 1999). For example, size of the YCT spawning run in Clear Creek in 1998 was triple the record-low size recorded in 1994 and cited by the petitioners, and numbers of YCT spawning in many smaller tributaries of Yellowstone Lake in 1998 were similar to those recorded in the mid-1980s. The YCT that spawn in those streams live most of the year in Yellowstone Lake. Furthermore, because the lake trout is almost exclusively a lake-dwelling species, its presence in the lake does not pose a threat to YCT stocks outside the immediate Yellowstone Lake area (Varley 1999).

Interbreeding of YCT and introduced, nonnative fishes is a concern to resource management agencies because it can lead to genetic introgression and the loss of genetically pure YCT. There are many examples of such interbreeding throughout the range of YCT (McDonald 2000; Moore 2000a; Wichers 2000a). However, the presence of nonnative fishes in a drainage inhabited by YCT does not always lead to such interbreeding. For example, YCT in the upper region of the Lamar River in Yellowstone National Park have remained genetically pure even though that region is accessible to nonnative, potentially interbreeding rainbow trout that have inhabited lower river areas for 60 years (Varley 1999). Even in the Yellowstone River, Montana, where nonnative rainbow trout are common, large numbers of genetically pure YCT have recently been found (Montana Department of Fish, Wildlife and Parks 2000). Similarly, analyses now underway have revealed numerous, genetically pure YCT stocks in Idaho, and several stocks formerly assumed to be genetically introgressed with rainbow trout have proven to be genetically pure (Moore 2000a).

(2) The scientific and commercial information available to us does not support the assertion that angler harvest poses a significant threat to the continued existence of YCT. Restrictive angling regulations preclude significant negative effects of angler harvest on YCT stocks throughout the subspecies' historic range (Graham 1999; Moore 1998, 2000a; Varley 1999; Wichers 2000a). For example, in Yellowstone National Park, virtually no YCT may be legally harvested by anglers (Varley 1999); the same is true for YCT in their natural habitats in Montana (Montana Department of Fish, Wildlife and Parks 2000).

(3) The scientific and commercial information available to us does not support the assertion that habitat degradation and fragmentation pose significant threats to the continued existence of YCT. The petitioners generally fail to recognize any of the efforts that are ongoing to address the impacts on YCT habitat of various management activities (Graham 1999). For example, the U.S. Forest Service, Targhee National Forest, treats YCT as a Sensitive Species. The Revised Forest Plan incorporates the standards and guidelines from the interagency Inland Native Fish (INFISH) Strategy in managing YCT stocks and their habitats. Biological evaluations are prepared for proposed activities that may affect YCT habitat; those activities must not result in loss of species viability or increase the likelihood of Federal listing of the species under the Act (Reese 1998a). Similarly, the Caribou National Forest applies INFISH or more stringent standards on all forest waters containing native fish, including YCT (Reese 1998b). The YCT is designated a Sensitive Species by the Northern, Intermountain, and Rocky Mountain Regions of the U.S. Forest Service; with that designation comes specific direction applicable to YCT management and conservation on National Forest System lands (Bosworth 2000). That direction includes assisting States in achieving their conservation goals for the subspecies; National Environmental Policy Act compliance is required for all proposed management actions; and management decisions must not result in loss of species viability or create significant trends toward listing under the Act. It is important to recognize that, outside of Yellowstone National Park, most extant YCT stocks inhabit waters on National Forest System lands (Bosworth 2000). During Fiscal Year 1999, 22 projects or activities that benefitted YCT were initiated or completed on those National Forest System lands (Bosworth 2000). Each of the seven National Forests that contains historic YCT habitat is expected to have specific direction associated with conservation of YCT in their forthcoming, revised Land Resource Management Plans (Bosworth 2000). In Montana, there are numerous, ongoing projects to protect and restore habitats for YCT or in other ways benefit the subspecies (McDonald 2000; Montana Department of Fish, Wildlife and Parks 2000). In Idaho, at least 125 actions have been or are being directed at improving YCT stocks and their habitats (Moore 2000a), and many similar actions are being or have been undertaken in Wyoming (Wichers 2000a). Degradation of YCT habitat as the result of land-management activities is rare in Yellowstone National Park, where there has been no livestock grazing or timber harvest, water-quality in the Soda Butte Creek drainage, which includes important habitats for YCT, has been and is being improved as a result of efforts to clean up historic mine wastes (Varley 1999). Habitat fragmentation is a consequence of habitat degradation. Thus management actions directed toward the prevention of habitat degradation, such as those just described, also will reduce the likelihood of habitat fragmentation.

(4) The scientific and commercial information available to us does not support the assertion that whirling disease poses a significant threat to the continued existence of YCT. The presence of the whirling disease parasite, *Myxobolus cerebralis*, is a concern to all managers of YCT (e.g., Varley 1999; Wichers 2000a), but the petitioners provide no evidence that the threat posed by whirling disease is not being effectively countered by ongoing management actions or that the threat is equally applicable to extant YCT stocks across the range of the subspecies. The petitioners generally fail to mention any of the restrictive measures now being taken to limit the spread of the disease. Furthermore, the petitioners wrongly imply that the stocking of hatchery fish is an important factor in the spread of whirling disease. Montana does not stock whirling disease-positive fish (Graham 1999), nor does Wyoming (Wichers 2000a). In addition, although the whirling disease parasite may be present in a stream, the disease may have little effect on the stream's YCT stock. For example, although whirling disease has been documented in some streams in Idaho, there is no evidence of YCT population declines in those streams (Moore 2000a). Similarly, in Wyoming, although whirling disease has been found in one stream, there is no evidence of subsequent declines in that stream's fish stocks (Wichers 2000a).

Factors that affect the intensity of infection by *Myxobolus cerebralis* in various salmonid fishes include host (fish) species and variety, parasite dosage, host age and size when exposed to the parasite, and water temperature (Vincent 2001). Thus there is considerable variation in infection intensity among the species of salmonid fishes and among Montana streams, as well as seasonally within streams. Water temperature can have a particularly important effect on infection intensity, perhaps by affecting parasite-host attachment success or the production of parasites themselves by the alternate host, an aquatic earthworm, *Tubifex tubifex* (Vincent 2001). Studies conducted in Montana show infection rates in salmonid fishes are highest at mean water temperatures between 12 and 15 C (53 to 59 F), and decline rapidly at temperatures below 12 C or above 17 C. The available evidence thus suggests that YCT stocks that inhabit typical cold streams in high-elevation regions are unlikely to be adversely affected by whirling disease. Montana has an extensive research and monitoring program directed toward whirling disease (Montana Department of Fish, Wildlife and Parks 2000), and similar work is underway in Yellowstone National Park and Wyoming (Varley 1999; Wichers 2000a).

(5) The scientific and commercial information available to us does not support the assertion that the nonnative New Zealand mud snail poses a significant threat to the continued existence of YCT. Within the historic range of YCT, the New Zealand mud snail has been found in the Yellowstone River in and near Yellowstone National Park and in the Snake River drainage in the park, Wyoming, and Idaho (Gangloff 1998; Richards et al. In press). However, the petitioners provide no evidence that YCT stocks in those or other areas face important threats from New Zealand mud snail, nor that those threats are equally applicable to other YCT stocks across the range of the subspecies. Whether the form of New Zealand mud snail that occurs in those waters has the potential to spread widely throughout the region, and the types of aquatic habitats that may be most vulnerable to such invasion, are presently unknown (Gangloff et al. 1998). Gangloff et al. (1998) cite evidence suggesting New Zealand mud snail may not be a nutritious food for YCT. Although the effects that New Zealand mud snail may have on YCT in Yellowstone National Park also are presently unknown, the National Park Service is actively monitoring the snail in the park and imposing measures to prevent its spread (Varley 1999). Similarly, elsewhere in Wyoming, monitoring for the presence of New Zealand mud snail is ongoing (Wichers 2000a).

(6) The scientific and commercial information available to us does not support the assertion that contemporary management of YCT does not emphasize protecting and restoring habitat and is biased toward protecting only those YCT stocks that are genetically pure. This assertion is addressed under items 1 and 3 above and elsewhere in this document. According to Graham (2000), the petitioners falsely state that the U.S. Forest Service is facilitating hatchery and stocking programs in lieu of habitat management in Montana. Similarly, Wyoming's management program for YCT is not solely or chiefly based on fish hatcheries; moreover, Wyoming protects all YCT stocks regardless of their genetic characteristics, including those stocks for which no detailed genetics information is available (Stone 1998; Wichers 2000a).

(7) The scientific and commercial information available to us does not support the assertion that only by listing the YCT as threatened under the Act will effective, coordinated management actions directed toward protection and restoration of YCT and their habitats be achieved across the subspecies' range. Each of the items addressed above describes management actions directed toward protection of YCT and their habitats that are being accomplished without the YCT being listed under the Act. Moreover, the petition fails to mention additional, important, and ongoing management and conservation actions directed toward YCT. In Montana, for example, an important conservation agreement involves YCT and their habitats on National Forest System lands (Bosworth 2000; Graham 1999; Montana Department of Fish, Wildlife and Parks 2000), and the State legislature has appropriated substantial funding directed specifically toward management of native trout such as YCT (Montana Department of Fish, Wildlife and Parks 2000). A Memorandum of Agreement for conservation and management of YCT across the historic range of the subspecies was recently signed by the States of Montana, Idaho, Wyoming, Nevada, and Utah, the U.S. Forest Service, and Yellowstone and Grand Teton National Parks (Bosworth 2000; Montana Department of Fish, Wildlife and Parks 2000; Wichers 2000a). The principal goal of that agreement is to ensure the persistence of YCT within the subspecies' historic range. In Yellowstone National Park, National Park Service management policies state that native species like YCT are to be protected and given priority status over nonnative species; the park continues to dedicate the majority of its aquatic resources program to preserving YCT (Varley 1999). Numerous, additional examples of ongoing, progressive management of YCT and their habitats are found in the major documents in ''References Cited''.

Petition Finding

There is agreement among the principal resource-management agencies that the distribution of YCT has declined from historic levels (Graham 1999; Moore 1998, 2000a; Moser 1998; Varley 1999; Wichers 2000a), although the extent of YCT historic range is largely assumed and the subspecies may not have formerly occurred in all areas (Moore 1998; Wichers 2000a). Nevertheless, those agencies also reported that viable YCT stocks remain in each of the major watersheds occupied historically in the Snake and Yellowstone River drainages. In Montana, 40 genetically pure YCT stocks are known to inhabit at least 433 linear miles of stream (estimated as at least 10 percent of the total stream miles that may have been historically occupied by the fish); YCT in an additional 71 miles of stream are between 90.0 and 99.9 percent pure, and 56 stream miles are inhabited by YCT less than 90.0 percent pure (Montana Department of Fish, Wildlife and Parks 2000). In Idaho, YCT presently inhabit 209 streams or stream segments (totaling 1,629 linear miles) distributed among 13 watersheds in the historic range of the subspecies (Moore 2000a). Moreover, data collected over the past two decades demonstrate YCT stocks in Idaho are stable or increasing in individual size (Moore 2000a, b). In Yellowstone National Park, genetically pure YCT are known to occupy 586 miles of stream; YCT in 212 miles of stream are genetically introgressed with other fishes, primarily rainbow trout; and YCT may also occur in many additional, small streams that have not yet been surveyed (Lutch 2001). Nonetheless, all of those YCT stocks are highly protected by National Park Service policies. In Wyoming exclusive of the park, genetically pure YCT occur in 2,507 miles of stream; an additional 631 miles of stream sustain YCT and nonnative rainbow trout, with which YCT may interbreed (Wiley 2000). In addition, stocking of YCT has resulted in establishment of numerous YCT stocks outside the probable historic range of the subspecies in Wyoming (Wichers 2000a). In the small portion of historic YCT range that lies in Nevada, survey

records indicate YCT occur in 53 miles of stream in the Goose Creek drainage; some of those fish are genetically pure (Haskins II 1999). We found no current information on the occurrence of YCT in Utah.

Our review of the available information also revealed that most of the habitat for extant YCT stocks lies on lands administered by Federal agencies, particularly the U.S. Forest Service and National Park Service. Many of those YCT stocks occur within roadless or wilderness areas or national parks, all of which afford considerable protection to YCT. In addition, there are numerous Federal and State regulatory mechanisms and agency policies and guidelines that, if properly administered and implemented, protect YCT and their habitats throughout the range of the subspecies. The petitioners provide no important evidence that YCT stocks are generally threatened due to an inadequacy of regulatory mechanisms or that such threats, where they may exist, are equally applicable to other YCT stocks across the range of the subspecies. Finally, each of the principal State and Federal agencies responsible for YCT management has a long history of working to conserve the subspecies (Graham 1999; Moore 2000a; Stone 1998; Wichers 2000a; Varley 1999).

In the context of the Act, the term ''threatened species'' means any species (or subspecies for vertebrate organisms) which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The term ''endangered species'' means any species which is in danger of extinction throughout all or a significant portion of its range. The Act does not indicate threshold levels of historic population size at which (as the population of a species declines) listing as either ''threatened'' or ''endangered'' becomes warranted. Instead, the principal considerations in the determination of whether or not a species warrants listing as a threatened or endangered species under the Act are the threats that currently confront the species and the likelihood that the species will persist in ''the foreseeable future.'' Thus the Act clearly implies that the rate of decline in the population, at the time listing is being considered, is particularly important.

In their petition, the petitioners provide no evidence that the YCT population as a whole is declining toward extinction in the foreseeable future, nor do they present data or models that suggest the extinction probability for the YCT population is high. Although the petitioners provide evidence that YCT stocks in some areas of the subspecies' current range are confronted by important threats, as described in the preceding section of the present notice, they provide no evidence that those threats are not being effectively countered by ongoing management actions or that the threats are equally applicable to other YCT stocks across the range of the subspecies.

Although the petitioners assert that there is widespread genetic variation among YCT stocks, studies have in fact revealed such variation is small (Allendorf and Leary 1988; Leary et al. 1988). The petitioners further assert, either directly or indirectly, that each YCT stock should be evaluated as if it constituted a Distinct Population Segment (DPS), but they provide no evidence that indicates any individual stock or aggregate of stocks is distinct according to established DPS guidelines (61 FR 4722). Although several YCT life-history forms are recognized and occur in many stocks across the subspecies' range, it is not known whether those forms represent genetic differences among forms or simply opportunistic behaviors.

In conclusion, based on the scientific and commercial information available to us, we find that the petition failed to present substantial information indicating that listing the YCT as threatened under the Act may be warranted at this time. Although the petition includes a long list of references, its justification for listing YCT is based on only a few references that often no longer provide current information on YCT (Bosworth 2000; Brassfield 1998; Graham 1999; Stone 1998; Wichers 2000a). Much information on YCT has been gathered during the past decade, and more is being gathered presently (Bosworth 2000; Graham 1999; Montana Department of Fish, Wildlife and Parks 2000; Moore 1998, 2000a,b; Stone 1998; Wichers 2000a). In addition we found the petition to list YCT as a threatened subspecies under the Act contains numerous erroneous or contradictory statements (Bosworth 2000; Brassfield 1998; Moore 1998, 2000a; Reese 1998b; Stone 1998; Varley 1999; Wichers 2000a). At least two of the key State game and fish departments were not even consulted by the petitioners regarding the current distribution or status of YCT in their States (Graham 1999; Moore 2000a). Finally, the petitioners generally discount important, ongoing management actions directed toward the protection of YCT and their habitats.

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Graham, P. J. 1999. Letter dated April 26, 1999, from Patrick J. Graham, Director, Montana Department of Fish, Wildlife and Parks, Helena. 4 pages plus 4 attachments.

Haskins II, R. L. 1999. Letter dated September 15, 1999, from Richard L. Haskins II, Supervising Biologist, Nevada Division of Wildlife, Elko. 2 pages.

Leary, R. F., F. W. Allendorf and S. R. Phelps. 1988. Population genetic structure of westslope cutthroat trout: genetic variation within and among populations. Proceedings of the Montana Academy of Sciences 48:57–70.

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Montana Department of Fish, Wildlife and Parks. 2000. Yellowstone cutthroat trout in Montana: distribution, status, conservation, and research efforts. A compendium dated August 2, 2000 that includes 19 attachments. Montana Department of Fish, Wildlife and Parks, Helena.

Moore, V. K. 1998. Letter dated October 2, 1998, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 9 pages (includes 1 attachment).

Moore, V. K. 2000a. Letter dated October 16, 2000, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 1 page plus 3 attachments (2 are maps).

Moore, V. K. 2000b. Letter dated November 14, 2000, from Virgil K. Moore, Chief of Fisheries, Idaho Fish and Game Department, Boise. 2 pages plus 3 attachments.

Moser, D. C. 1998. Letter dated October 2, 1998, from David C. Moser, Tribal Fisheries Biologist, The Shoshone-Bannock Tribes, Fort Hall, Idaho. 2 pages.

Reese, J. B. 1998a. Letter dated September 30, 1998, from Jerry B. Reese, Forest Supervisor, Targhee National Forest, St. Anthony, Idaho. 3 pages.

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Stone, M. D. 1998. Letter dated October 7, 1998, from Michael D. Stone, Chief of Fisheries, Wyoming Game and Fish Department, Cheyenne. 3 pages.

Stone, M. D. 2000. E-mail dated October 31, 2000, from Michael D. Stone, Chief of Fisheries, Wyoming Game and Fish Department, Cheyenne. 1 page plus 1 attachment.

Trotter, P. C. 1987. Cutthroat: native trout of the West. Colorado University Associated Press, Boulder, Colorado. 219 pages.

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Wichers, B. 2000b. Letter dated October 20, 2000, from Bill Wichers, Deputy Director, Wyoming Game and Fish Department, Cheyenne. 1 page plus 2 attachments.

Wiley, R.W. 1995. A common sense protocol for the use of hatchery-reared trout. American Fisheries Society Symposium 15:465–471.

Wiley, R. W. 2000. E-mail dated November 29, 2000, from Robert W. Wiley, Chief of Fisheries Research, Wyoming Game and Fish Department, Cheyenne. 1 page.

Author

The primary author of this document is Lynn R. Kaeding (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: February 15, 2001.

Marshall P. Jones Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 01–4382 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 66, No. 37

Friday, February 23, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Humanitarian Response, Office of Food for Peace; Announcement of Draft Guidelines for Title II Development Activity Programs

Pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480, as amended), notice is hereby given that the Draft Guidelines for Title II Development Activity Programs are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to receive a copy of these draft guidelines should contact: Office of Food for Peace, Agency for International Development, RRB 7.06–120, 1300 Pennsylvania Avenue, Washington, DC 20523–0809. Individuals who have questions or comments on the draft guidelines should contact Richard Newberg at the above address or at (202) 712–1828.

The thirty-day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: February 8, 2001.

William T. Oliver,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 01–4513 Filed 2–22–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Economic Research Service

Notice of Intent To Seek Approval To Collect Information

AGENCY: Economic Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR 1320 (60 FR 44978, August 29, 1995), this notice announces the Economic Research Service's (ERS) intention to request approval for a new information collection from Food Stamp Program (FSP) officials in State agencies; from officials of the Special Supplementary Nutrition Program for Women, Infants and Children (WIC) in State agencies; from officials of the National School Lunch Program (NSLP) in State Departments of Education; and from NSLP officials in local school food authorities (SFAs). The purpose of the data collection is to obtain information on the program information systems maintained at the State and local level by these programs.

DATES: Written comments on this notice must be received by April 30, 2001 to be assured of consideration.

ADDRESSES: Requests for additional information should be directed to Parke Wilde, Food Assistance and Rural Economy Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW., S2092, Washington, DC 20036–5831. For further information contact: Parke Wilde, 202–694–5633. Submit electronic comments to *pwilde@ers.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Paperwork Reduction Act Submission (OMB–83–1).

Type of Request: New collection of information.

Abstract: The Economic Research Service (ERS) of the U.S. Department of Agriculture is responsible for conducting studies and evaluations of the Nation's food assistance programs administered by the Food and Nutrition Service (FNS), U.S. Department of Agriculture. In recent years, there has been growing interest in efforts to utilize program administrative data in ways that improve program operations, reduce program fraud, and better inform program officials as to the characteristics of program participants and eligible non-participants. In particular, there is an interest in matching records from multiple food assistance programs in order to verify program eligibility, assess the characteristics of multi-program participants, and estimate the extent to which program participants enroll in all programs for which they are eligible. This project has two objectives: (1) To determine the characteristics of administrative data systems used by food stamps, WIC, and child nutrition programs, and (2) to test the feasibility and accuracy of linking data from different nutrition assistance programs. Currently, there is no comprehensive assessment of system capabilities, data-sharing arrangements, and record-linkage projects for food assistance programs. This information is necessary to better understand the potential use of these systems for analyzing multiple program participation and for improving program operations in such areas as one-stop shopping, adjunctive eligibility determination, program integrity, and reduction of administrative and client burden.

This project will conduct a survey to determine the capabilities of information systems maintaining client records for the food assistance programs. The survey will collect information about system architecture, organization of client records, maintenance of historical records, numbers and types of client identifiers, and data sharing arrangements among programs. The survey will be conducted in 26 States. Interviews will be conducted with program officials in State food stamp agencies and State WIC agencies; with officials in the Child Nutrition branch of State Departments of Education; and with officials in three School Food Authorities within each State. Information from the survey will be used to determine the consistency, across States, of information maintained by each food assistance program and the consistency, within States, of information maintained by different programs. Findings from the survey will be presented in tabular format facilitating comparison across both States and food assistance programs.

Information from the survey of food assistance programs will be used to assess the potential for matching client records across major food assistance programs (FSP, WIC, NSLP) within a State for the purpose of estimating rates of shared clientele. This information will be used to recruit four sites into a second phase of the project. The second phase will test the feasibility and accuracy of linking data from different nutrition assistance programs within a site (defined as either an area served by a single SFA or an entire State,

depending on data availability), using data extracts requested from each food assistance program in four sites. Records from the three food assistance programs (FSP, WIC, NSLP) will be matched using client identifiers that are common across programs, and using probabilistic record-matching techniques. The study will report on match rates and the sensitivity of match rates to the number of client identifiers used in the matching process. The study will also report rates of multiple program participation and the characteristics of clients enrolled in multiple programs versus those enrolled in a subset of programs for which they are eligible. All client identifiers will be strictly protected and will not be released in any form. The client identifiers will be used in the record linkage process and subsequently stripped from all files. Results from the linked files will be reported only in summary form.

Estimate of Burden: Public reporting burden for this data collection is estimated to average 45 minutes per respondent. The estimate includes time for listening to instructions, gathering data needed, and responding to questionnaire or interview/discussion items.

Respondents: State FSP officials familiar with the State's information system for the FSP; State WIC officials familiar with the State's information system for the WIC Program; State Department of Education officials familiar with the State's information system for the NSLP; and officials of local school food authorities familiar with the SFA's information system for the NSLP.

Estimated Number of Respondents: 156 in total: 26 State FSP officials, 26 State WIC officials, 26 State Department of Education officials, and 78 officials in local school food authorities.

Estimated Total Annual Burden on Respondents: Total of 117.0 hours. Survey of State FSP Officials: 19.5 hours, Survey of State WIC Officials: 19.5 hours, Survey of State DOE Officials: 19.5 hours, Survey of Local SFA Officials: 58.5 hours.

Copies of the information to be collected can be obtained from Parke Wilde, Food Assistance and Rural Economy Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW, S2092, Washington, D.C. 20036–5831, 202–694–5633.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) additional uses of data on multiple program participation; (e) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address stated in the preamble. All responses to this notice will be considered and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, D.C, this 24th day of January, 2001.

Betsey Kuhn,

Director, Food and Rural Economics Division.

[FR Doc. 01–4520 Filed 2–22–01; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region, Arizona, New Mexico, West Texas, and West Oklahoma Amendment of Land and Resource Management Plans in the Southwestern Region

AGENCY: Forest Service, USDA.

ACTION: Cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: The Southwestern Region of the Forest Service planned to prepare an environmental impact statement on a proposal to amend National Forest land and resource management plans to incorporate standards and guidelines for management of habitat for American peregrine falcon, Little Colorado River spinedace, loach minnow, spikedace, Apache trout, Chihuahua chub, Gila trout, Gila top minnow, razorback sucker, southwest willow flycatcher, cactus ferruginous pygmy owl, Sonora tiger salamander, New Mexico ridgenose rattlesnake, and Pima pineapple cactus. The amendment would have added new standards and guidelines to existing direction for the protection of federally listed threatened and endangered species.

The Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Monday, June 1, 1998 (63 FR 29692–29695). A Revised Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Tuesday, September 28, 1999 (64 FR 52274). Since that time, considerable analysis has gone into reviewing the adequacy of Forest Plans with respect to protection of Federally listed threatened and endangered species. We found that existing direction in the eleven Forest Plans provides adequate protection for the species considered in the consultation. Forest Plans currently allow Forest Supervisors and District Rangers the discretion to apply appropriate protection measures for Federally listed threatened and endangered species when designing site-specific projects. Site-specific projects are subject to consultation as required by Section 7 of the Endangered Species Act, further ensuring the adequacy of protective measures for Federally listed threatened and endangered species.

For these reasons, I hereby cancel the referenced Notices of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Director of Ecosystem Analysis and Planning, 517 Gold Ave. SW, Albuquerque, New Mexico 87102, (505) 842–3251.

Dated: February 16, 2001.

James T. Gladen,

Deputy Regional Forester.

[FR Doc. 01–4471 Filed 2–22–01; 8:45 am]

BILLING CODE 3410–11–U

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 26, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On November 13, December 8, and

December 29, 2000 and January 5, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 FR 67714, 76986 and 82974 and 66 FR 1076) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities:

Chalkboard
6910–04–000–4482
6910–04–000–4485

Services:

Base Supply Center, Fort Buchanan, Fort Buchanan, Puerto Rico
Food Service, EOD Dining Facility, Eglin Air Fore Base, Florida

Janitorial/Custodial

Basewide, Redstone Arsenal, Alabama
Lewiston-Queenston and Whirlpool Rapids Bridges, Niagara Falls, New York
Max Rosenn Courthouse, 197 South Main Street, Wilkes-Barre, Pennsylvania
VA Outpatient Clinic, Charleston, West Virginia

Warehousing & Distribution Service

Defense Supply Center—Philadelphia, Philadelphia, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

G. John Heyer,
General Counsel.
[FR Doc. 01–4526 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 26, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following service has been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Service

Transcription Services, Federal Bureau of Prisons, Washington, DC, NPA: New Vision Enterprises, Inc., Louisville, Kentucky.

G. John Heyer,
General Counsel.
[FR Doc. 01–4527 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Additions Procurement List; Correction

In the document appearing on page 8776, FR Doc 01–2894, in the issue of February 2, 2001, in the third column the Committee published an addition to the Procurement List for Holder, Label w/Slit, 9905–01–365–2125. The addition notice is amended to indicate that 50% of the Governments Requirement is being added to the Procurement List.

G. John Heyer,
General Counsel.
[FR Doc. 01–4525 Filed 2–22–01; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on March 15, 2001, 10:30 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Public Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the public.
3. Update on status of Biological Weapons Convention protocol negotiations.

Closed Session

4. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to the address below: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14 St. & Constitution Ave., NW., Washington, DC, 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 7, 2000, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information or copies of the minutes call Ms. Lee Ann Carpenter at (202) 482–2583.

Dated: February 20, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–4500 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Amended Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and amended final results of administrative reviews.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4733.

Applicable Statute: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations as codified at 19 CFR Part 353 (1995).

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2000, the Department of Commerce (the Department) published in the **Federal Register** its notice of *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Amended Final Results of Antidumping Duty Administrative Review*, 65 FR 82323. In that notice, the Department published the final margins for NTN Corporation and Koyo Seiko Co., Ltd. (Koyo). The classes or kinds of merchandise covered by the review are ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). The period of review is May 1, 1992, through April 30, 1993.

The Department has discovered that the margins it published for Koyo were not correct. The margins the Department published were 14.90 percent and 6.53 percent for BBs and CRBs, respectively. The correct margins are 12.15 percent and 3.43 percent for ball bearings and cylindrical roller bearings, respectively.

Amendment To Final Results

Pursuant to section 516A(e) of the Tariff Act, we are amending the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan and the period May 1, 1992, through April 30, 1993 with respect to Koyo. The revised weighted-average margins are as follows:

Company	BBs	CRBs	SPBs
Japan			
Koyo Seiko	12.15	3.43	(1)

[1] No shipments or sales subject to this review.

The Department will determine and the U.S. Customs Service will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by these reviews. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisement instructions with regard to Koyo to the U.S. Customs Service after publication of these amended final results of reviews.

This notice is published pursuant to section 751(a) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4539 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 3, 2000, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on extruded rubber thread from Malaysia (65 FR 66232). This review covers three manufacturers/exporters of the subject merchandise to the United States (Filati Lastex Sdn. Bhd., Heveafil Sdn. Bhd./Filmax Sdn. Bhd, and Rubberflex Sdn. Bhd.). The period of review is October 1, 1998, through September 30, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Irina Itkin, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0656.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (2000).

Background

On November 3, 2000, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on extruded rubber thread from Malaysia. *See Extruded Rubber Thread from Malaysia; Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 66232 (Nov. 3, 2000).

In response to the Department's invitation to comment on the preliminary results of these reviews, Heveafil Sdn. Bhd./Filmax Sdn. Bhd. (Heveafil) and Filati Lastex Sdn. Bhd. (Filati) filed case briefs on November 28, 2000. We did not receive comments from Rubberflex Sdn. Bhd. (Rubberflex) or the petitioner. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The product covered by this review is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Extruded rubber thread is currently classifiable under subheading 4007.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this review is dispositive.

Period of Review

The period of review (POR) is October 1, 1998, through September 30, 1999.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Bernard Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 16, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memo.

Final Results of Review

We determine that the following weighted-average margins exist for the period October 1, 1998, through September 30, 1999:

Manufacturer/exporter	Percentage margin
Filati Lastex Sdn. Bhd	6.00
Heveafil Sdn. Bhd./Filmax Sdn. Bhd	0.04
Rubberflex Sdn. Bhd	0.14

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific assessment rates. For Filati and Heveafil, we divided the total dumping margins for the reviewed sales by their total entered value for each importer. We will direct Customs to assess the resulting percentage margins against the entered values for the subject merchandise on each of that importer's entries. However, we will instruct Customs to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is *de minimis* (*i.e.,* less than 0.50 percent), pursuant to 19 CFR 351.106(c)(2).

For Rubberflex, we divided the total dumping margins by the entered quantity for each importer. We will direct Customs to assess these per-unit amounts on all entries by these importers.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of extruded rubber thread from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed firms will be the rates shown above, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this

review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.16 percent. This rate is the ''All Others'' rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 16, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memo

Comments

1. Calculation of the CEP Ratio
2. Calculation of Credit Expenses

[FR Doc. 01–4534 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822, A–583–820]

Continuation of Antidumping Duty Orders on Helical Spring Lock Washers From China and Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Continuation of Antidumping Duty Orders on Helical Spring Lock Washers from China and Taiwan.

SUMMARY: On June 5, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan is likely to lead to continuation or recurrence of dumping (65 FR 35605). On January 31, 2001, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (66 FR 8424). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty orders on helical spring lock washers from China and Taiwan.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 1999, the Department initiated (64 FR 59160) and the Commission instituted (64 FR 59204) sunset reviews of the antidumping duty orders on helical spring lock washers from China and Taiwan pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan is likely to lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the orders revoked. *See Helical Spring Lock Washers From the People's Republic of China and Taiwan; Final Results of Expedited Sunset Reviews,* 65 FR 35605 (June 5, 2000).

On January 31, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Helical Spring Lock Washers from China and Taiwan,* 66 FR 8424 (January 31, 2001) and USITC Publication. 3384, (January 2001), Investigation Nos. 731–TA–624–625 (Review).

Scope

The products subject to these antidumping duty orders include helical spring lock washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. Helical spring lock washers are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screws or bolts; and, (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper. Helical spring lock washers subject to these orders are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule (''HTS''). Although the HTS subheading is provided for convenience and customs purposes, the written description of the scope remains dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on helical spring lock washers from China and Taiwan. The Department will instruct the Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these

orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than January 2006. This notice is published pursuant to section 703(c)(2) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4533 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil; Final Results of Antidumping Duty Administrative Review and Determination Not To Revoke in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 4, 2000, the Department of Commerce (the ''Department'') published the preliminary results of administrative review of the antidumping duty order on silicon metal from Brazil. The merchandise covered by this order is silicon metal from Brazil. The review covers five manufacturers/exporters: Rima Industrial SA (''RIMA''), Companhia Ferroligas Minas Gerais—Minasligas (''Minasligas''), Ligas de Aluminia S.A. (''LIASA''), Companhia Carbureto de Calcio (''CBCC''), Eletrosilex S.A. (''Eletrosilex''). The period of review (''POR'') is July 1, 1998, through June 30, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled *Final Results of the Review*.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor (RIMA), telephone: (202) 482–5831; Nova Daly (Eletrosilex and Minasligas), 482–0989; Mark Manning (LIASA), 482–3936, and Zev Primor (CBCC), 482–4114; AD/CVD Enforcement, Office IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On August 4, 2000, the Department published the preliminary results of administrative review of the antidumping duty order on silicon metal from Brazil. *See Silicon Metal From Brazil: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Order in Part*, 65 FR 47960 (August 4, 2000). The review covers five manufacturers/exporters, RIMA, LIASA, CBCC, Minasligas and Eletrosilex. The POR is July 1, 1998, through June 30, 1999. We invited parties to comment on our preliminary results of review. We received comments on October 2, 2000, from RIMA, LIASA, CBCC, Eletrosilex and from American Silicon Technologies (''AST''), Elkem Metals Company (''Elkem'') and Globe Metallugical Inc. (''Globe'') (collectively ''petitioners''). On October 16, 2000, we received a rebuttal brief from petitioners, RIMA, LIASA, and CBCC. We held a public hearing on October 25, 2000, to give interested parties the opportunity to express their views directly to the Department. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this administrative review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this administrative review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (''HTS'') as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. Although the HTS item numbers are provided for convenience and for U.S. Customs purposes, the written description remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum''), dated January 31, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 (''B–099'') of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Determination Not To Revoke CBCC and LIASA

LIASA

After review of the criteria outlined at sections 351.222(b) and 351.222(d) of the Department's regulations, the Department's practice, the comments of the parties, and the evidence on the record, we have determined that the requirements for revocation have not been met. For the reasons outlined in the Decision Memorandum, we have determined not to revoke the antidumping duty order with respect to subject merchandise produced and also exported by LIASA because its sales were not made in commercial quantities in accordance with 19 CFR 351.222(e). *See*, Memorandum Regarding ''Eighth Administrative Review: Commercial Quantities,'' dated July 30, 2000.

CBCC

After review of the record, the Department determines that although CBCC has had zero or *de minimis* dumping margins for the previous two review periods, during the current review CBCC's weight-averaged

dumping margin is determined to be 0.63 percent, above the *de minimis* rate. A rate must be below 0.50 percent to be *de minimis*. *See*, 19 CFR 351.106(c). Consequently, CBCC has not made sales of subject merchandise ''at not less than NV for a period of at least three consecutive years'' as required by the Department's regulations. Because one of the requirements to qualify for revocation has not been met, the Department has not addressed the issues of commercial quantities and whether the continued application of the antidumping duty order is necessary to offset dumping with regard to CBCC. As a result of our analysis of factual information submitted to us during the course of this review, we determine not to revoke this order with respect to CBCC.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memorandum, accessible in B–099 and on the Web at www.ia.ita.doc.gov.

Final Results of Review

We determine that the following percentage weighted-average margins exist for the period July 1, 1998, through June 30, 1999:

Manufacturer/exporter	Margin (percent)
RIMA	0.00
MINASLIGAS	0.00
LIASA	0.00
CBCC	0.63
ELETROSILEX	93.20

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. With respect to export price, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct Customs to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis, i.e.*, less than 0.5 percent.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate shown above, except if the rate is less than 0.5 percent, and therefore *de minimis*, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (''LTFV'') investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 91.06 percent. This rate is the ''All Others'' rate from the LTFV investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 31, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—Issues in Decision Memorandum Comments and Responses

1. Requirements for Revocation with Respect to LIASA
2. Calculation of Home Market Imputed Credit Expenses for RIMA
3. Total Adverse Facts Available (''FA'') for Eletrosilex
4. Calculation of Home Market Imputed Credit Expenses for CBCC
5. Circumstance of Sale Adjustment (''COS'') for CBCC
6. Calculation of Financial Expense Ratio for CBCC
7. CBCC's Consolidated Financial Statement
8. CBCC's Short-Term Income Offset
9. Allocation of CBCC's Indirect Labor Costs
10. Determination Not To Revoke CBCC and LIASA

[FR Doc. 01–4536 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–828, A–557–809, A–565–801]

Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings From Italy, Malaysia, and the Philippines

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of antidumping duty orders.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Helen Kramer (Italy) at (202) 482–0405, Juanita Chen (Malaysia) at (202) 482–0409, or Fred Baker (Philippines) at (202) 482–2924, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1999).

Scope of Investigation

For purposes of these orders, the product covered is certain stainless steel butt-weld pipe fittings (butt-weld fittings). Butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and ''commodity'' and ''specialty'' fittings. Specifically excluded from the

definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The butt-weld fittings subject to these orders are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (*e.g.,* DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Butt-weld fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by these orders.

These orders do not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The butt-weld fittings subject to these orders are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Antidumping Duty Orders

In accordance with section 735(a) of the Tariff Act, the Department made its final determinations that stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines are being sold at less than fair value. (*See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings*, 65 FR 81823 (Philippines), 81825 (Malaysia), 81830 (Italy) (December 27, 2000)).[1] On January 29, 2001, the International Trade Commission (the Commission) notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Tariff Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from Italy, Malaysia, and the Philippines. Therefore, in accordance with section 736(a)(1) of the Tariff Act, the Department will direct Customs officers to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines. These antidumping duties will be assessed on all unliquidated entries of stainless steel pipe fittings from Italy and the Philippines, entered, or withdrawn from warehouse, for consumption on or after August 2, 2000, the date on which the Department published its notices of preliminary determination for those countries in the **Federal Register** (65 FR 47388 (Italy) and 47393 (Philippines)). With respect to Malaysia, because the Department made a finding of sales at not less than fair value in the preliminary determination, antidumping duties will be assessed on all unliquidated entries of stainless steel pipe fittings entered, or withdrawn from warehouse, for consumption on or after December 27, 2000, the date on which the Department published its notice of an affirmative final determination in the **Federal Register** (65 FR 81825). Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The ''All Others'' rates apply to all exporters of subject stainless steel butt-weld pipe fittings not specifically listed. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Margin percentage
Italy	
Coprosider S.p.A	26.59
All Others	26.59
Malaysia	
Kanzen Tetsu Sdn. Bhd	7.51
All Others	7.51
Philippines	
Enlin Steel Corporation	33.81
Tung Fong Industrial Co., Inc	33.81
All Others	33.81

This notice constitutes the antidumping duty orders with respect to stainless steel butt-weld pipe fittings from Italy, Malaysia, and the Philippines. Interested parties may contact the Department's Central Records Unit, room B–099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Tariff Act of 1930, as amended. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4540 Filed 2–22–01; 8:45 am]

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[1] We received ministerial error allegations with respect to the final determinations for Malaysia and the Philippines. On December 28, 2000, Kanzen Tetsu Sdn. Bhd. (respondent in the Malaysian investigation) and on January 2, 2001, Tung Fong Industrial Co., Inc. (respondent in the Philippines investigation) submitted ministerial error allegations. However, the Department found that these allegations either did not fall within the statutory or regulatory definition of ministerial error or no longer needed correction. *See* memoranda to the file dated January 17, 2001 (with respect to Malaysia) and January 30, 2001 (with respect to the Philippines). *See also* section 735(e) of the Tariff Act and 19 CFR 351.224(f).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges From India: Bhansali Ferromet Pvt. Ltd.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty new shipper review.

SUMMARY: This review covers one manufacturer/exporter, Bhansali Ferromet Pvt. Ltd. (Bhansali) and sales of the subject merchandise to the United States during the period August 1, 1998 through July 31, 1999. The final results do not differ from the preliminary results of review, in which we found that the respondent made sales in the United States at prices below normal value.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482–5222 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to 19 CFR Part 351 (1999).

Background

On September 15, 2000, the Department published in the **Federal Register** the preliminary results of its

new shipper review of certain forged stainless steel flanges from India (65 FR 55942, September 15, 2000). We invited parties to comment on our preliminary results of review. We received no comments.

Bhansali submitted a change in its data on November 4, 2000, but this change had no effect on our analysis. On December 5, 2000, the Department published in the **Federal Register** an extension of the deadline for the final results of review (65 FR 75924). The Department has now completed the new shipper review in accordance with section 751 of the Act.

Scope of Review

The products under review are certain forged stainless steel flanges (hereafter, ''flanges'') from India, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

Verification

On December 7, 2000 the Department conducted a verification of the antidumping responses submitted by Bhansali Ferromet Pvt. Ltd. See memorandum to the file from Thomas Killiam, ''Sales Verification of Bhansali Ferromet Pvt. LtD.–Stainless Steel Flanges from India,'' December 20, 2000. No changes in the data or analysis were indicated as a result of the verification.

Final Results of the Review

No changes to our analysis in the preliminary results are warranted for purposes of these final results. Accordingly, the weighted-average dumping margin for Bhansali for the period August 1, 1998 through July 31, 1999, is as follows:

Manufacturer/exporter	Margin (percent)
Bhansali Ferromet Pvt. LtD	4.08

Cash Deposit Requirements

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries, on a per kilogram basis. The Department will issue appropriate instructions directly to the U.S. Customs Service. Furthermore, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a) of the Act: (1) For Bhansali, the cash deposit rate will be the rate listed above, (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 162.14 percent, the all others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.214.

Dated: January 31, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–4538 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–601]

Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results and rescission, in part, of antidumping duty administrative review.

SUMMARY: In response to a request by the Stainless Steel Cookware Committee (the Committee), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on top-of-the-stove stainless steel cooking ware from Korea. The period of review (POR) is January 1, 1999, through December 31, 1999.

We preliminarily determine that certain manufacturers/exporters sold subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in the final results of this administrative review, we will instruct Customs to assess antidumping duties on all appropriate entries. We invite interested parties to comment on the preliminary results. Parties who submit comments in this proceeding should also submit with the argument: (1) a statement of the

issue(s), and (2) a brief summary of the argument (not to exceed five pages).

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Nova Daly (Dong Won) and John Conniff (Daelim), AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; (202) 482–0989 and (202) 482–1009, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (2000).

Background

The Department published an antidumping duty order on top-of-the-stove stainless steel cooking ware (cookware) from Korea on January 20, 1987 (52 FR 2139). On January 13, 2000, the Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order on cookware from Korea (65 FR 2114) covering the period January 1, 1999, through December 31, 1999.

On January 31, 2000, in accordance with 19 CFR 351.213(b), the Committee (the petitioner), whose members are Regal Ware, Inc., All-Clad Metalcrafters, LLC, and Vita-Craft Corporation, requested that we conduct an administrative review of twenty-seven specific manufacturers/exporters of cookware from Korea: Daelim Trading Co., Ltd. (Daelim), Dong Won Metal Co., Ltd. (Dong Won), Chefline Corporation (Chefline), Sam Yeung Ind. Co., Ltd. (Samyeung), Namyang Kitchenflower Co., Ltd., Kyung-Dong Industrial Co., Ltd., Ssang Yong Ind. Co., Ltd. (Ssangyong), O. Bok Stainless Steel Co., Ltd., Dong Hwa Stainless Steel Co., Ltd., Il Shin Co., Ltd., Hai Dong Stainless Steel Ind. Co., Ltd., Han Il Stainless Steel Ind. Co., Ltd., Bae Chin Metal Ind. Co., East One Co., Ltd., Charming Art Co., Ltd., Poong Kang Ind. Co., Ltd., Won Jin Ind. Co., Ltd., Wonkwang Inc., Sungjin International Inc., Sae Kwang Aluminum Co., Ltd., Woosung Co., Ltd., (Woosung), Hanil Stainless Steel Ind. Co., Ltd.,[1] Seshin Co., Ltd., Pionix Corporation, East West Trading Korea, Ltd., Clad Co., Ltd., and B.Y. Enterprise, Ltd. In accordance with 19 CFR 351.221(b), we published a notice of initiation of the review on February 28, 2000 (65 FR 10466).

On March 3, 2000, we issued Section A antidumping questionnaires to each of the twenty-seven manufacturers/exporters listed above. In response to our request for information, Sugjin International, Inc., O. Bok Stainless Steel Co., Ltd., Won Jin Ind. Co., Ltd., Hai Dong Stainless Co., Ltd., Pionix Corporation, Seshin Co., Ltd., Dong Hwa Stainless Steel Co., Ltd., Wonkwang Inc., and Charming Art Co., Ltd., reported that they had no sales or shipments during the POR. Our review of Customs import data indicated that there were no entries of subject merchandise made by these manufacturers/exporters during the POR. Accordingly, we are preliminarily rescinding the review with respect to the above nine manufacturers/exporters of cookware.

The following companies failed to respond to the Department's Section A questionnaire: B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han I1 Stainless Steel Ind. Co., Ltd., I1 Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., and Namyang Kitchen Flower Co., Ltd. On March 28, 2000, we informed each of these companies that because they failed to respond to the Department's questionnaire, we may use facts available (FA) to determine their dumping margins.

On March 17, 2000, counsel for Chefline requested that the Department rescind the review with respect to Woosung. Woosung is Chefline's original corporate name which was changed to Chefline in March 1996. Since Chefline submitted uncontested evidence on the record to support their claim and petitioner did not object to Chefline's request for rescission, we are rescinding the review with respect to Woosung. In addition, on April 3, 2000, Chefline informed the Department that it would not be responding to the Department's Section A questionnaire.

On April 3, 2000, Daelim, Dong Won, Samyeung, and Ssangyong responded to Section A of the antidumping questionnaire. On June 29, 2000, the Department issued Sections B, C and D of the Department's questionnaire to these four companies. Daelim, Dong Won, and Samyeung filed responses to Sections B and C on August 23, 2000. On August 23, 2000, Ssangyong notified the Department that it would no longer participate in this review.

On August 24, 2000, the Department issued Section A supplemental questionnaires to Daelim, Dong Won, and Samyeung. The responses to these supplemental questionnaires were received on September 15, 2000. We issued Section B and C supplemental questionnaires to these companies on September 11, 2000. The responses to the supplemental questionnaires were submitted by the companies on October 2, 2000.

On September 20, 2000, the Department initiated a cost of production (COP) investigation with respect to Dong Won and Samyeung and requested that they respond to Section D of the Department's questionnaire. On September 25, 2000, the Department initiated a COP investigation with respect to Daelim and issued the Section D questionnaire, in accordance with section 773(b) of the Act. We initiated the COP investigations as a result of the petitioner's COP allegations, which are company-specific, employ a reasonable methodology, provide evidence of below cost sales, and include models which are representative of the broader range of cookware products sold by Dong Won, Samyeung, and Daelim in accordance with section 773(b) of the Act. For further discussion on the initiation of the COP investigations, *see* 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware (''cookware'') from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Samyeung Ind. Co., Ltd. (Samyeung) dated September 20, 2000 and 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware (''cookware'') from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Dong Won Metal Co., Ltd. (Dong Won) dated September 20, 2000. Also, *see* 1999 Administrative Review of Antidumping Duty Order on Top-Of-The-Stove Stainless Steel Cook Ware (cookware) from Korea: Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Dae-Lim Co., Ltd. (Daelim) dated September 25, 2000.

Dong Won's response to the Section D questionnaire was received by the Department on October 18, 2000. On October 25, 2000, Samyeung notified the Department that it would no longer participate in this review. On November 1, 2000, the Department issued a Section D supplemental questionnaire

[1] Same company as Han I1 Stainless Steel Ind. Co., Ltd. listed above.

to Dong Won. The response to this supplemental questionnaire was received on November 21, 2000.

Daelim's response to this section of the questionnaire was received on October 31, 2000. On November 26, 2000, the Department issued a Section D supplemental questionnaire to Daelim. The response to this supplemental questionnaire was received on November 30, 2000.

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for issuing a preliminary determination in an administrative review if it determines that it is not practicable to complete the preliminary review within the statutory time limit of 245 days. On August 15, 2000, the Department published a notice of extension of the time limit for the preliminary results in this case to January 30, 2001. *See Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Extension of Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 51797 (August 25, 2000). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise subject to this antidumping order is top-of-the-stove stainless steel cookware from Korea. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of the order are stainless steel oven ware and stainless steel kitchen ware. The subject merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

The Department has issued several scope clarifications for this order. The Department found that certain stainless steel pasta and steamer inserts (63 FR 41545, August 4, 1998), certain stainless steel eight-cup coffee percolators (58 FR 11209, February 24, 1993), and certain stainless steel stock pots and covers are within the scope of the order (57 FR 57420, December 4, 1992). Moreover, as a result of a changed circumstances review, the Department revoked the order on Korea in part with respect to certain stainless steel camping ware (1) made of single-ply stainless steel having a thickness no greater than 6.0 millimeters; and (2) consisting of 1.0, 1.5, and 2.0 quart saucepans without handles and with lids that also serve as fry pans (62 FR 3662, January 24, 1997).

Verification

As provided in section 782(i) of the Act, from December 4, 2000, to December 22, 2000, we verified sales and cost information provided by Daelim and Dong Won, using standard verification procedures, including an examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report and are on file in the Central Records Unit (CRU) located in room B–099 of the main Department of Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC.

Facts Available (FA)

Application of FA

Section 776(a)(2) of the Act provides that if any interested party: (A) Withholds information that has been requested by the Department; (B) fails to provide such information by the deadlines for submission of the information or in the form or manner requested; (C) significantly impedes an antidumping investigation; or (D) provides such information but the information cannot be verified, the Department shall, subject to section 782(d) of the Act, use facts otherwise available in making its determination.

Section 782(e) of the Act provides that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) of the Act if: (1) The information is submitted by the deadline established for its submission; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and (5) the information can be used without undue difficulties.

As stated above, on March 3, 2000, we issued Section A questionnaires to twenty-seven manufacturers/exporters of the subject merchandise. The following companies failed to respond to the Department's Section A questionnaire: B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han Il Stainless Steel Ind. Co., Ltd., Il Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., and Namyang Kitchen Flower Co., Ltd. On March 28, 2000, we informed each of these companies that because they failed to respond to the Department's questionnaire, we may use FA to determine their dumping margins. On April 3, 2000, Chefline informed the Department that it would not be responding to the Department's Section A questionnaire. Because these companies wholly failed to respond to our questionnaire, pursuant to section 776(a)(2)(A) of the Act, we have applied FA to calculate their dumping margins. Further, based on the facts in this review, described below, the Department has preliminarily determined that the use of FA is warranted for Ssangyong and Samyeung.

First, Ssangyong and Samyeung did not respond to Sections B and C of the questionnaire. On April 3, 2000, Ssangyong responded to the Section A questionnaire. On June 29, the Department issued Sections B and C of the questionnaire to Ssangyong. On July 18, 2000, Ssangyong requested an extension to respond to Sections B and C due to its claimed lack of experience in answering the Department's questionnaires. On July 24, 2000, the Department granted Ssangyong an extension until August 18, 2000 to respond to Sections B and C. On August 14, 2000, the Department granted Ssangyong an additional extension until August 23, 2000, for Ssangyong to respond to Sections B and C. *See* Extension Letters from the Department to Ssangyong dated July 24, 2000 and August 14, 2000 (Ssangyong Extension Letters). In both the July 24, 2000 and August 14, 2000 letters, the Department notified Ssangyong that if it did not submit the information requested by the applicable deadline, the Department may find that Ssangyong has not acted to the best of its ability and thus may use an adverse inference in selecting among FA, as provided for in section 776(b) of the Act. Ssangyong subsequently failed to respond to Sections B and C of the questionnaire and, on August 23, 2000, submitted a letter stating that it would not participate further in this proceeding.

On September 20, 2000, the Department initiated a COP investigation and issued a Section D questionnaire to Samyeung. On October 5, 2000, Samyeung requested an

extension for filing a response to Section D based on (1) its claim that the company had limited resources and (2) the concurrent Department deadlines for both the Section D questionnaire and supplemental questionnaires. The Department granted Samyeung an extension on the Section D questionnaire and notified Samyeung that if it did not submit the information requested by the applicable deadline, the Department may find that Samyeung has not acted to the best of its ability and thus may use an adverse inference in selecting among FA, as provided for in section 776(b) of the Act. *See* Extension Letter from the Department to Samyeung dated October 10, 2000 (Samyeung Extension Letter). However, Samyeung failed to respond to the Section D questionnaire and, on October 25, 2000, submitted a letter stating that it would no longer continue to participate in this proceeding. *See* Memorandum on Application of Facts Available for Sam Yeung Ind. Co., Ltd. (Samyeung) in the Preliminary Results of the 1999 Administrative Review, dated January 30, 2001 (Facts Available Memorandum).

Second, in addition to their failure to respond to the Department's questionnaire, the information provided by these two respondents is so incomplete that it cannot serve as a reliable basis for reaching the applicable determination. Ssangyong's failure to respond to Sections B and C of the questionnaire is a critical omission. Without U.S. and home market sales data, the Department cannot calculate a dumping margin for Ssangyong. Likewise, Samyeung's failure to provide cost data is significant. Without cost data, we are unable to determine whether foreign market sales were made below COP and, thus, we are prevented from calculating an accurate normal value and dumping margin for Samyeung. Therefore, we find that the information on the record for Ssangyong and Samyeung is so incomplete that it cannot serve as a reliable basis for reaching the applicable determination and thus, Ssangyong and Samyeung have not satisfied the third criterion under section 782(e) of the Act.

In addition, the Department finds, pursuant to section 776(b) of the Act, that Ssangyong and Samyeung did not act to the best of their ability to comply with requests for information. In its August 23, 2000 letter, Ssangyong stated that ''faced with the substantial amount of detailed information that the Department has requested to be submitted in a very short time period, Ssangyong has concluded that it lacks the administrative resources to prepare and submit responses to Sections B and C of the questionnaire and otherwise to continue participating further in the proceeding.'' Samyeung, in its October 25, 2000 letter, stated that the short time period given to answer the Section D questionnaire was too burdensome for the company to comply. However, we note that Ssangyong was granted two extensions totaling 23 days to respond to the Section B and C questionnaire and Samyeung was granted a two-week extension to respond to the cost questionnaire. Also, neither Ssangyong nor Samyeung requested an additional extension of time to respond to the questionnaire. Further, neither company suggested alternative methods for providing the requested information. We note that it was Ssangyong and Samyeung's responsibility to provide a ''full explanation and suggested alternative forms'' of responding to the questionnaire under section 782(c) of the Act. The Department considers Ssangyong and Samyeung's refusal to submit their respective questionnaire responses, despite the fact the Department granted extensions of time for filing the responses, and their refusal to participate further in the review, as a failure to cooperate to the best of their ability with respect to our requests for information. Thus, Ssangyong and Samyeung have failed to satisfy the fourth criterion of section 782(c) of the Act.

Lastly, the information cannot be used without undue difficulties. As a result of Ssangyong and Samyeung's failure to provide the necessary information requested, the information provided by Ssangyong and Samyeung is not complete enough to calculate a margin based upon the statutory and regulatory criteria. For example, as discussed above, Ssangyong did not respond to Sections B and C of the Department's questionnaire and Samyeung did not respond to Section D of the Department's questionnaire. Thus, Ssangyong and Samyeung have also failed to satisfy the fifth criterion of section 782(e) of the Act.

Given the above analysis, the Department determines that Ssangyong and Samyeung have not met all five factors enumerated in section 782(e) of the Act. Therefore, for the reasons stated above, the use of FA is warranted for these companies.

Selection of Adverse FA

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. *See e.g., Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819–20 (October 16, 1997).

Because B.Y. Enterprise, Ltd., Clad Co., Ltd., Sae Kwang Aluminum Co., Ltd., East One Co., Ltd., East West Trading Korea, Ltd., Bae Chin Metal Ind. Co., Han Il Stainless Steel Ind. Co., Ltd., Il Shin Co., Ltd., Kyung-Dong Industrial Co., Ltd., Poong Kang Ind. Co., Ltd., Namyang Kitchen Flower Co., Ltd., and Chefline did not cooperate by wholly failing to respond to the Department's questionnaire response, and in order to ensure that they do not benefit from that lack of cooperation, we are employing an adverse inference in selecting from facts otherwise available.

Further, because Ssangyong failed completely to respond to Sections B and C of the questionnaire and Samyeung failed completely to respond to Section D of the questionnaire, the Department was prevented from making critical decisions involving the calculation of Sangyong and Samyeung's dumping margins. In addition, as required by section 782(d) of the Act, Sangyong and Samyeung were put on notice, via Department extension letters and other correspondence, that failure to respond to the Department's requests for information constituted a deficiency which could result in the use of FA. *See, e.g.*, Ssangyong Extension Letters. Moreover, section 782(e) of the Act is not applicable as the information Ssangyong and Samyeung submitted is so incomplete that it cannot serve as a reliable basis for making a preliminary determination. Accordingly, the Department finds that Ssangyong and Samyeung did not act to the best of their ability to comply with the request for information and thus, under section 776(b) of the Act, an adverse inference is warranted.

Pursuant to section 776(b) of the Act, we are basing the margin for the 14 companies listed above on adverse FA for purposes of these preliminary results. As adverse FA, we have used the highest rate calculated for any respondent in any segment of this proceeding. This rate is 31.23 percent. *See Final Determination of Sales at Less Than Fair Value; Certain Stainless Steel Cookware from Korea*, 51 FR 42873 (November 26, 1986) (*Final LTFV Determination*). *Corroboration of Information Used as FA*

Section 776(b) of the Act authorizes the Department to use as adverse FA information derived from the petition, the final determination from the less

than fair value (LTFV) investigation, a previous administrative review, or any other information placed on the record.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as ''[i]nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See* Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 103–316 at 870 (1994).

The SAA further provides that the term ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

The rate selected was calculated using verified information in the investigation. *See Final LTFV Determination*. The only source for calculated margins is administrative determinations. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. Furthermore, we have no new information that would lead us to reconsider the reliability of this rate.

As to the relevance of the margin used for adverse FA, the courts have stated that ''[b]y requiring corroboration of adverse inference rates, Congress clearly intended that such rates should be reasonable and have some basis in reality.'' *F.Lli De Cecco Di Filippo Fara S. Martino S.p.A.*, v. *U.S.*, 216 F.3d 1027, 1034 (Fed. Cir. 2000).

In determining a relevant and reasonable adverse FA rate, the Department notes that the FA rate selected is the highest calculated margin for any respondent in this proceeding. *See Final LTFV Determination*. It is reasonable to assume that if Ssangyong, Samyeung, and the other non-responding parties listed above could have demonstrated that their dumping margins are lower, they would have participated in this review and attempted to do so. *See Rhone Poulenc, Inc.* v. *United States*, 899 F.2d 1185, 1190–91 (Fed. Cir. 1990). Therefore, given these 14 companies' failure to cooperate to the best of their ability in this review, we have no reason to believe that their dumping margins would be any less than the highest rate we have ever calculated or that other available rates would reasonably ensure that they do not benefit by failing to cooperate fully. None of these companies have previously participated in this proceeding and therefore have been receiving the ''All Others'' rate of 8.10 percent. The ''All Others'' rate is obviously not enough to induce cooperation by these companies. We therefore have resorted to the highest calculated rate used throughout the proceeding and the rate that has been used as the FA rate in previous reviews. To further establish the relevance of the FA rate, we looked at the range of sales-specific margins for one of the cooperating respondents. Based on the range of margins, a significant number of sales by Dong Won are above the FA rate. *See* Facts Available Memorandum. Therefore, a rate of 31.23 percent can be considered relevant and, as such, appropriately used as FA for the non-responding parties. Thus, we used the highest rate determined in any segment of this proceeding of 31.23 percent.

Normal Value Comparisons

To determine whether sales of cookware from South Korea to the United States were made at less than NV, we compared the export price (EP) to the NV for both Dong Won and Daelim, as specified in the *EP* and *NV* sections of this notice, below. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual EP transactions.

EP

For Dong Won and Daelim, we used the Department's EP methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold by each producer outside the United States directly to the first unaffiliated purchaser in the United States prior to importation (or to unaffiliated trading companies for export to the United States) and CEP methodology was not otherwise warranted. We made deductions from the starting price for movement expenses in accordance with section 772(c) of the Act. Movement expenses included, where appropriate, brokerage and handling, international freight, and marine insurance, in accordance with section 772(c)(2)(A) of the Act. For Dong Won, we disallowed a duty drawback adjustment to the starting price. *See* Calculation Memorandum for Dong Won, dated January 30, 2001. *See also* Report on the Verification of the Sales and Cost Responses for Dong Won, dated January 30, 2001.

NV

1. Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared the respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1) of the Act. Since Daelim's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV. Therefore, pursuant to section 773(a)(1)(B) of the Act, we based NV on home market sales. Because Dong Won's aggregate volume of home market sales of the foreign like product was less than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was not viable. Therefore, we have based NV for Dong Won on third country sales in the usual commercial quantities and in the ordinary course of trade. Since Dong Won's aggregate volume of sales of the foreign like product in Canada were more than five percent of its aggregate volume of U.S. sales of the subject merchandise, we used sales to Canada as the third country comparison sales. Furthermore, the Department noted that Canada was Dong Won's largest third country market for cookware in terms of both value and quantity, and the cookware that Dong Won exported to Canada was more similar to the subject merchandise exported to the United States than the cookware exported to other comparison markets. For a further discussion, *see* Memorandum Re: Selection of Third Country Comparison Market, dated June 28, 2000.

2. COP Analysis

Based on the cost allegations submitted by petitioners on September 20, 2000, and in accordance with section 773(b)(2)(A)(i) of the Act, the Department found reasonable grounds to believe or suspect that Dong Won and Daelim had made sales in the foreign market at prices below the cost of producing the merchandise, in accordance with section 773(b)(1) of the Act. *See Memorandum to Thomas*

Futtner, Administrative Review of Antidumping Duty Order on Top of the Stove Stainless Steel Cooking Ware From Korea: Analysis of Petitioners' Allegation of Sales Below the Cost of Production for Dong Won Metal Co., Ltd. (''Dong Won''), dated May 20, 2000, and *Memorandum to Thomas Futtner, Administrative Review of Antidumping Duty Order on Top of the Stove Stainless Steel Cooking Ware From Korea: Analysis of Petitioners' Allegation of Sales Below the Cost of Production for Dae-Lim Co., Ltd. (''Daelim'')*. As a result, the Department initiated COP investigations to determine whether Dong Won and Daelim made foreign market sales during the POR at prices below their COP within the meaning of section 773(b) of the Act. We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated, respectively, COP based on the sum of Daelim and Dong Won's cost of materials and fabrication (COM) for the foreign like product, plus amounts for SG&A, financial expense, and packing costs. Daelim was unable to segregate between its long-term and short-term investment income in its calculation of net interest expense. Therefore, we did not grant Daelim an interest income offset. *See* Cost Verification Report for Daelim, dated January 30, 2001. For the preliminary results, we relied on Dong Won's submitted information without adjustment.

B. Test of Foreign Market Sales Prices

We compared COP to foreign market sale prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard foreign market sales made at prices below the COP, we examined whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time, in accordance with sections 773(b)(1)(A) and (B) of the Act. On a product-specific basis, we compared the COP to foreign market prices, less any applicable movement charges, discounts and rebates, and selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in substantial quantities. Where 20 percent or more of the respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to have been made in substantial quantities within an extended period of time, within the meaning of section 773(b)(2)(B) of the Act. Because we compared prices to POR or fiscal year average costs, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

We found, looking at Dong Won's third country market sales and Daelim's home market sales, that both made sales at below COP prices within an extended period of time in substantial quantities. Further, we found that these sales prices did not permit for the recovery of costs within a reasonable period of time. Therefore, we excluded these sales from our analysis and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products sold in the foreign markets as described in the ''Scope of the Review'' section of this notice, above, that were in the ordinary course of trade for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the foreign markets made in the ordinary course of trade (*i.e.,* sales within the contemporaneous window which passed the cost test), we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade, based on the characteristics listed in sections B and C of our antidumping questionnaire, or constructed value (CV), as appropriate.

Level of Trade (LOT)

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same LOT as the US transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For EP sales, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

In determining whether separate LOTs actually existed in the home and U.S. markets for each respondent, we examined whether the respondent's sales involved different marketing stages (or their equivalent) based on the channel of distribution, customer categories, and selling functions (or services offered) to each customer or customer category, in both markets.

Dong Won reported sales through one LOT, consisting of two channels of distribution for its Canadian sales. The first channel of distribution was direct sales with two customer categories (*i.e.,* distributors/wholesalers and retailers). The second channel of distribution was also sales to the two customer categories listed above but through Korean trading companies. Dong Won reported only EP sales in the U.S. market. For EP sales, Dong Won reported the same channels of distribution and customer categories as those in the third country market (*i.e.,* direct sales to distributors/wholesalers and retailers and direct sales to distributers/wholesalers and retailers through Korean trading companies). Dong Won claimed in its response that its U.S. and third country market sales were made at the same LOT. For this reason, Dong Won has not asked for a LOT adjustment to NV for comparison to its EP sales.

In analyzing Dong Won's selling activities for the third country and U.S. market, we determined that essentially the same services were provided for both markets. These selling activities in both markets were minimal in nature and limited to some low levels of technical service, warranty, ocean freight, and advertising expenses, with high levels of inland freight expenses. No other services were rendered for either third country or EP sales. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as the LOT for all sales in the third country market. Accordingly, because we find the U.S. sales and third country market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for Dong Won. *See* Memorandum on LOT for Dong Won, dated January 30, 2001.

Daelim reported sales through one LOT, consisting of two channels of distribution for its home market sales. The first channel of distribution was sales through its affiliate in the home market, Living Star. The second channel of distribution was direct sales on a very sporadic basis to its employees or, in extremely limited circumstances, to home market customers. We have preliminarily determined that these direct sales are outside the ordinary course of trade, and therefore have not considered them in the calculation of NV. *See* Memorandum on LOT for Daelim, dated January 30, 2001. Daelim reported only EP sales in the U.S. market. For EP sales, Daelim reported one LOT, consisting of two channels of distribution. The first channel of distribution was sales to unaffiliated U.S. importers. The second channel of distribution was sales to an unaffiliated Korean trading company.

In analyzing Daelim's selling activities for the home market, we determined that the selling activities were minimal in nature and limited to some low levels of technical service, warranty, ocean freight, and advertising expenses, with high levels of inland freight expenses. No selling activities or services were rendered for EP sales. Therefore, based upon this information, we have preliminarily determined that there are differences in the number, type, and degree of selling functions performed in the home market as compared to EP sales.

Section 773(a)(7)(A)(ii) of the Act states that the Department will grant a LOT adjustment only ''if the difference in the level of trade is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.'' As discussed above, we find that the U.S. market LOT (EP sales) is different from the home market LOT. However, since we have determined that there is only one LOT in the home market, we are unable to calculate ''a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.'' Thus, in this instance, we have not granted Daelim a LOT adjustment to NV.

Date of Sale

For both foreign market and U.S. transactions, Daelim and Dong Won reported the date of the contract (*i.e.,* purchase order) as the date of sale, *i.e.,* the date when the material terms of sale are finalized. The respondents note that the purchase order confirms all major terms of sale—price, quantity, and product specification—as agreed to by the respondents and the customer. During the course of the review, the Department found that there were instances where the material terms of sale had changed after the issuance of an original purchase order. The Department noted and verified that, in those instances where the material terms of sale had changed after the issuance of an original purchase order, a new purchase order had been issued and the new purchase order served as the reported date of sale. For a detailed explanation, *see* Dong Won's sales verification report (January 30, 2001). Therefore, because the Department found that there were no changes in the material terms of sale between the purchase order (or revised purchase order) and the invoice, the Department preliminarily determines that the purchase order date is the most appropriate date to use for the date of sale.

CV

In accordance with section 773(e) of the Act, we calculated CV based on the respondents' respective cost of materials and fabrication employed in producing the subject merchandise, SG&A expenses, the profit incurred and realized in connection with the production and sale of the foreign like product, and U.S. packing costs. We used the cost of materials, fabrication, and G&A expenses as reported in the CV portion of the questionnaire response, adjusted for Daelim as discussed in the COP section above. We used the U.S. packing costs as reported in the U.S. sales portion of the respondents' questionnaire responses. For selling expenses, we used the average of the selling expenses reported for home market sales that survived the cost test, weighted by the total quantity of those sales. For actual profit, we first calculated, based on the home market sales that survived the cost test, the difference between the home market sales value and home market COP, and divided the difference by the home market COP. We then multiplied this percentage by the COP for each U.S. model to derive an actual profit.

Price-to-Price Comparisons

For those comparison products for which there were sales that passed the cost test, we based the respondents' NV on the price at which the foreign like product is first sold for consumption in Korea (Daelim) or Canada (Dong Won), in the usual commercial quantities, in the ordinary course of trade in accordance with section 773(a)(1)(B)(i) of the Act. We based NV on sales at the same LOT as the EP sales.

In accordance with section 773(a)(6) of the Act, we made adjustments to the foreign market price, where appropriate, for discounts, movement expenses (inland freight, brokerage and handling, and international freight). To account for differences in circumstances of sale between the foreign market and the United States, where appropriate, we adjusted the foreign market price by deducting foreign market direct selling expenses (including credit) and commissions and by adding U.S. direct selling expenses (including U.S. credit expenses). Because Dong Won could not substantiate the payment of duties for goods purchased, we disallowed a duty drawback adjustment to the starting price. For a further discussion, *see* Dong Won's sales verification report (January 30, 2001). Where commissions were paid on foreign market sales and no commissions were paid on U.S. sales, we increased NV by the lesser of either: (1) The amount of commission paid on the foreign market sales or (2) the indirect selling expenses incurred on U.S. sales. *See* 19 CFR 351.410(e). In order to adjust for differences in packing between the two markets, we deducted foreign market packing costs and added U.S. packing costs, where appropriate, in accordance with sections 773(a)(6)(A) and (B) of the Act.

With respect to both CV and home market prices, we made adjustments, where appropriate, for inland freight, inland insurance, and discounts. We also reduced CV and home market prices by packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i) of the Act. In addition, we increased CV and home market prices for U.S. packing costs, in accordance with section 773(a)(6)(A) of the Act. We made further adjustments to home market prices, when applicable, to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act. Finally, pursuant to section 773(a)(6)(C)(iii) of the Act, we made an adjustment for differences in circumstances of sale by deducting home market direct selling expenses and adding any direct selling expenses associated with U.S. sales not deducted under the provisions of section 772(d)(1) of the Act.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following weighted-average dumping margins exist for the period January 1, 1999, through December 31, 1999:

Manufacturer/exporter	Margin (percent)
Dong Won Metal Co., Ltd	14.14
Dae-Lim Trading Co., Ltd	1.69
Sam Yeung Ind. Co., Ltd	31.23
Ssang Yong Ind. Co., Ltd	31.23
Chefline Corporation	31.23
B.Y Enterprise, Ltd	31.23
Clad Co., Ltd	31.23
Sae Skwang Aluminum Co., Ltd	31.23
East One Co., Ltd	31.23
East West Trading Korea, Ltd	31.23
Bae Chin Metal Ind. Co	31.23
Han Il Stainless Steel Ind. Co., Ltd	31.23
Il Shin Co., Ltd	31.23
Kyung-Dong Industrial Co., Ltd	31.23
Poong Kang Ind. Co., Ltd	31.23
Namyang Kitchen Flower Co., Ltd	31.23

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within 5 days of the date of publication of this notice. Any interested party may request a hearing within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue and (2) a brief summary of the argument. All case briefs must be submitted within 30 days of the date of publication of this notice. Rebuttal briefs, which are limited to issues raised in the case briefs, may be filed not later than seven days after the case briefs are filed. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. A hearing, if requested, will be held two days after the date the rebuttal briefs are filed or the first business day thereafter.

The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of the issues raised in any written comments, within 120 days from the publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. We have calculated importer-specific ad valorem duty assessment rates based on the ratio of the total amount of dumping margins calculated for the examined sales to the entered value of sales used to calculate those duties. We will direct Customs to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis, i.e.,* less than 0.5 percent.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of top-of-stove stainless steel cooking ware from Korea entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of this administrative review, except if the rate is less than 0.5 percent *ad valorem* and, therefore, *de minimis,* no cash deposit will be required; (2) for exporters not covered in this review, but covered in the original LTFV investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published in the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the LTFV investigation, the cash deposit rate will be 8.10 percent, the ''all-others'' rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and this notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4537 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–857, A–201–828]

Notice of Initiation of Antidumping Duty Investigations: Welded Large Diameter Line Pipes From Mexico and Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of antidumping duty investigations.

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Rick Johnson (Mexico) or Nancy Decker (Japan) at (202) 482–3818 and (202) 482–0196, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (2000).

The Petitions

On January 10, 2001, the Department of Commerce (the Department) received petitions filed in proper form by the following parties: Berg Steel Pipe Corp., American Steel Pipe Division of American Cast Iron Pipe Company, and Stupp Corporation (collectively ''petitioners''). Additionally, one other domestic producer, although a non-petitioner, issued a statement supporting the petition. The Department received information from the petitioners supplementing the petition on January 22, January 24, January 26, and January 29, 2001.

In accordance with section 732(b) of the Act, the petitioners allege that imports of welded large diameter line pipes (hereafter referred to as LDLP)

from Mexico and Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that the petitioners filed these petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and have demonstrated sufficient industry support with respect to each of the antidumping investigations that they are requesting the Department to initiate (*see* the *Determination of Industry Support for the Petitions* section below).

Scope of Investigations

The product covered by this investigation is welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches in diameter, whether or not stencilled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30. 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this investigation is American Water Works Association (AWWA) specification water and sewage pipe.

As discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by February 20, 2001. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petitions

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Finally, section 732(c)(4)(D) of the Act provides that if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering agency shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

For Mexico and Japan, the petitioners established industry support representing over 50 percent of total production of the domestic like product. Therefore, the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A)(i) are met. Furthermore, because the Department received no opposition to the petition, the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition. Thus, the requirements of section 732(c)(4)(A)(ii) are also met.

Accordingly, the Department determines that the petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. *See* Industry Support Attachment to the *Initiation Checklist*.

Mexico

Normal Value

The Mexican producers named in the petition are Procarsa SA de CV, Productora Mexicana de Tuberia SA de SV, Tubacero SA, Tuberia Laguna SA de CV, and Tubesa SA de CV. In order to calculate normal value (NV), the petitioners provided an affidavit and supporting documentation listing home market price quotes from one Mexican producer for merchandise which falls within the scope of the petition. These quotes were obtained by a foreign market researcher during the period of investigation. Based on the terms of the price quotes, petitioners made no adjustments to normal value.

Export Price

The petitioners based export price (EP) on average unit value (AUV) data gathered from IM–145 import statistics. Using the month of September 2000, they compared the one HTSUS ten-digit category which corresponds to the products described in the calculation of NV. Petitioners maintain that this methodology is appropriate because the NV was based on price quotes which would be most contemporaneous with September entries. For the purposes of initiation, the Department has based EP on the weighted-average AUVs for the HTSUS category corresponding to the HTSUS category used as the basis for NV using all available data for the calendar year 2000 (*i.e.*, January through November). This decision is consistent with Department practice in other cases in which import statistics were used as

[1] *See Algoma Steel Corp. Ltd.*, v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

the basis for EP. *See, e.g., Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China (the PRC), Romania, South Africa, Taiwan, Thailand, and Ukraine, et. al.*, 65 FR 77568, 77571 (December 12, 2000).

Petitioners then deducted an amount for foreign inland freight, which was a simple average of the separate freight quotes from a Mexican producer, to arrive at a net EP. However, for the purposes of initiation, the Department has adjusted petitioners' foreign inland freight calculation. Specifically, we have adjusted for the difference in distances between: (1) The rate supplied by petitioners; and (2) the distance between the Mexican producer from which the rates were obtained and the presumed ports of export for the merchandise, based on the actual U.S. ports of entry. *See* Attachment B to the *Initiation Checklist*.

Based upon the comparison of EP to NV, the petitioners' estimated dumping margin, as adjusted by the Department, is 49.86 percent.

Japan

Normal Value

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners based NV for sales in Japan on CV because they could not obtain corresponding home market prices. The petitioners calculated CV by using publicly available cost information from a Japanese producer, information from a U.S. surrogate, and other sources. The amount calculated for CV consisted of COM and SG&A expenses. Consistent with 773(e)(2) of the Act, the petitioners added to CV an amount for profit which was based upon a Japanese producer's financial statements.

Export Price

The petitioners were unable to obtain specific sales or offers for sale of subject merchandise in the United States. Therefore, the petitioners based EP on the average unit values (''AUV'') for one ten-digit category of the HTSUS accounting for approximately 40 percent of in-scope imports for consumption from Japan. The petitioners calculated the import AUV using the reported quantity and customs value for imports as recorded in the U.S. Census Bureau's official IM–145 import statistics. In their calculation of estimated dumping margins, the petitioners based EP on import statistics covering the first three quarters of 2000. For the purposes of initiation, the Department has based EP on the weighted-average AUVs for the HTSUS category corresponding to the HTSUS category used as the basis for NV using all available data for the calendar year 2000 (*i.e.*, January through November). This decision is consistent with Department practice in other cases in which import statistics were used as the basis for EP. *See, e.g., Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China (the PRC), Romania, South Africa, Taiwan, Thailand, and Ukraine, et. al.*, 65 FR 77568, 77571 (December 12, 2000). We note that customs import value as defined by Technical Documentation for US Exports and Imports of Merchandise on CD-ROM excludes U.S. import duties, freight, insurance and other charges incurred in bringing the merchandise to the United States.

Based upon the comparison of EP to CV, the petitioners calculated an estimated dumping margin of 30.80 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of LDLP from Mexico and Japan are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitions allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The petitioners contend that the industry's injured condition is evident in the significant increases in imports of LDLP from Mexico and Japan, a shrinking portion of market share, and declining volumes in production, shipment, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation (*see Initiation Checklist* at Attachment II Re: Material Injury).

Initiation of Antidumping Investigations

Based upon our examination of the petitions on LDLP, and the petitioners' responses to our supplemental questionnaire clarifying the petitions, we have found that they meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of LDLP from Mexico and Japan are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of Mexico and Japan. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, no later than February 24, 2001, whether there is a reasonable indication that imports of LDLP from Mexico and Japan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 30, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–4541 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Final Results of the Third Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On August 8, 2000, the Department of Commerce published in the **Federal Register** its preliminary results of the third administrative review of the countervailing duty order on certain pasta from Italy for the period January 1 through December 31, 1998.

Based on our analysis of the comments received, and the decision of the Court of Appeals for the Federal Circuit in *Delverde S.r.L.* v. *United States,* 202 F.3d 1360 (Fed. Cir. 2000) (''*Delverde III*''), the Department has reexamined its change in ownership analysis and methodology. As a result, we have made changes to Delverde's net subsidy rate. We have also revised Rummo's and Riscossa's net subsidy rate. Therefore, the final results differ from the preliminary results. The final net subsidy rates for each reviewed company are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Craig Matney, Annika O'Hara, Sally Hastings or Andrew Covington, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, Room 1780, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1778, 482–3798, 482–3464 or 482–3534, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA''), effective January 1, 1995 (''the Act''). The Department is conducting this administrative review in accordance with section 751(a) of the Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR 351 (1998).

Background

On July 24, 1996, the Department of Commerce (''the Department'') published in the **Federal Register** (61 FR 38544) the countervailing duty order on certain pasta from Italy.

In accordance with 19 CFR 351.213(b), this review of the order covers the following producers or exporters of the subject merchandise for which a review was specifically requested: Delverde S.p.A. (''Delverde''); Tamma Industrie Alimentari S.r.L. (''Tamma''); Rummo S.p.A. Molino e Pastaficio (''Rummo''); and Pastificio Riscossa F.lli Mastromauro S.r.L. (''Riscossa''). La Molisana, which had requested to be included in this review, withdrew its request on October 14, 1999. Consequently, the Department rescinded this review with respect to La Molisana. (See *Certain Pasta from Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 65 FR 48479 (August 8, 2000) (''*Preliminary Results*'')). This review covers 29 programs.

Since the publication of the *Preliminary Results* the following events have occurred. On August 14, 2000, the European Union (''EU'') submitted its case brief. On September 7, 2000, the Government of Italy (''GOI''), the petitioners, and respondents Delverde and Tamma submitted case briefs. Petitioners and respondents Delverde and Tamma filed rebuttal briefs on September 18, 2000. Respondents Rummo and Riscossa did not file case or rebuttal briefs.

On October 5, 2000, we issued a questionnaire to Delverde regarding its change in ownership; we received Delverde's response to this questionnaire on October 23, 2000. On October 13, 2000, we published in the **Federal Register** a notice extending the due date for issuing these final results to February 5, 2001 (*see Certain Pasta from Italy: Notice of Extension of Time Limit for the 1998 Countervailing Duty Administrative Review*, 65 FR 60911).

On December 27, 2000, the Department placed on the record of the instant case a copy of Delverde's response to a supplemental questionnaire regarding its change of ownership that it had submitted in the remand proceeding pursuant to the September 27, 2000 order from the U.S. Court of International Trade (''CIT'') in *Delverde III.* The Department did not conduct a hearing in this review because none was requested.

Scope of Review

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of this review are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione (''IMC''), by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, or by the Conzorzio per il Controllo dei Prodotti Biologici.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (''*HTSUS*''). Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Scope Rulings

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the countervailing duty order. (*See* August 25, 1997 memorandum from Edward Easton to Richard Moreland, which is on file in the Central Records Unit (''CRU'') in Room B–099 of the main Commerce building.)

(2) On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the countervailing duty order. (*See* July 30, 1998 letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration, to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc., which is on file in the CRU.)

(3) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of

allowable industry tolerances may be within the scope of the countervailing duty order. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the countervailing duty order. (*See* May 24, 1999 memorandum from John Brinkmann to Richard Moreland, which is on file in the CRU.)

Period of Review

The period of review (POR) for which we are measuring subsidies is from January 1 through December 31, 1998.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the February 5, 2001 *Issues and Decision Memorandum* (''*Decision Memorandum*'') from Susan H. Kuhbach, Acting Deputy Assistant Secretary, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the Department. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn/* under the heading ''Italy.'' The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, and the Department's revised change-in-ownership approach based on the Court's ruling in *Delverde III*, we have made certain changes to Delverde's net subsidy rate. Also, based on our analysis of the GOI's questionnaire responses, one of which was received after the *Preliminary Results*, we have revised our findings and calculation methodology for interest subsidies received by Rummo under Law 598/94. These changes are discussed in the relevant sections of the *Decision Memorandum*. Lastly, we revised Riscossa's overall net subsidy rate due to a clerical error discovered by the Department since the *Preliminary Results*. See February 5, 2001 Calculation Memorandum for Riscossa, a public version of which is on file in room B–099 of the Department's main building.

Final Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1 through December 31, 1998, we determine the net subsidy rates for producers/exporters under review to be those specified in the chart shown below.

Company	Ad valorem rate percent
Delverde S.p.A./Delverde S.r.L.	4.04
Tamma Industrie Alimentari S.r.L	3.63
Pastificio Riscossa F.lli Mastromauro S.r.L	1.13
Rummo S.p.A. Molino e Pastificio	0.71

We will instruct the U.S. Customs Service (''Customs'') to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentage detailed above of the f.o.b. invoice prices on all shipments of the subject merchandise from the producers/exporters under review, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

The cash deposit rates for all companies not covered by this review are not changed by the results of this review. Thus, we will instruct Customs to continue to collect cash deposits for non-reviewed companies, except Barilla G. e R. F.lli S.p.A. (''Barilla'') and Gruppo Agricoltura Sana S.r.L. (''Gruppo'') (which were excluded from the order during the investigation), at the most recent rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the *Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy*, 61 FR 38544 (July 24, 1996), *Certain Pasta from Italy: Final Results of Countervailing Duty Administrative Review*, 63 FR 43905 (August 17, 1998), or *Amendment of Final Results of Countervailing Duty Administrative Review*, 64 FR 51293 (September 22, 1999), whichever notice provides the most recently published countervailing duty rates for companies not reviewed in this administrative review. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is completed. In addition, for the period January 1 through December 31, 1998, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry, except for Barilla and Gruppo (which were excluded from the order during the original investigation).

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.301. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: February 5, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix I—Issues discussed in the Decision Memorandum

I. Methodology and Background Information

1. Change in Ownership
2. Subsidies Valuation Information
   A. Benchmarks for Long-term Loans and Discount Rates
   B. Allocation Period
   C. Benefits to Mills
3. Affiliated Parties

II. Analysis of Program

1. Programs Previously Determined to Confer Subsidies

A. Law 64/86 Industrial Development Grants
B. Law 488/92 Industrial Development Grants
C. Law 183/76 Industrial Development Grants
D. Industrial Development Loans Under Law 64/86
E. Law 304/90 Export Marketing Grants
F. Social Security Reductions and Exemptions-Sgravi
G. Law 598/94 Interest Subsidies
H. Law 236/93 Training Grants
I. European Social Fund
J. Export Restitution Payments
2. Programs Determined Not To Confer Countervailable Subsidies in the POR
A. Social Security Reductions and Exemptions-Fiscalizzazione
3. Programs Determined to Be Not Used During the POR
A. Law 113/86 Training Grants
B. Law 64/86 VAT Reductions
C. Law 357/94 Tax Benefits
D. Local Income Tax (''ILOR'') Exemptions
E. Remission of Taxes on Export Credit Insurance under Article 33 of Law 227/77
F. Export Credits under Law 227/77
G. Capital Grants under Law 675/77
H. Retraining Grants under Law 675/77
I. Interest Contributions on Bank Loans under Law 675/77
J. Interest Grants Financed by IRI Bonds
K. Preferential Financing for Export Promotion under Law 394/81
L. Corporate Income Tax (''IRPEG'') Exemptions
M. Urban Redevelopment under Law 181
N. Debt Consolidation Law 341/95
O. Interest Contributions under Law 1329/65
P. Grant Received Pursuant to the Community Initiative Concerning the Preparation of Enterprises for the Single Market (''PRISMA'')
Q. European Agricultural Guidance and Guarantee Fund (''EAGGF'')
R. European Regional Development Fund (''ERDF'')

III. Analysis of Comment

Comment 1: European Social Fund
Comment 2: Change of Ownership Methodology in Preliminary Determination
Comment 3: Interpretation of *Delverde III*
Comment 4: Use of the Successor-in-Interest Test
Comment 5: Shares v. Assets
Comment 6: Subsidies to Delverde/Analysis of Facts on the Record

[FR Doc. 01–4535 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of process to revoke export trade certificate of review No. 97–00001.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Dairy Marketing Information Association. Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to Dairy Marketing Information Association.

FOR FURTHER INFORMATION CONTACT: Vanessa Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (''the Act'') [15 U.S.C. 4011–21] authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III (''the Regulations'') are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on April 17, 1997 to Dairy Marketing Information Association.

A certificate holder is required by law (section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (sections 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations.)

The Department of Commerce sent to Dairy Marketing Information Association, on April 7, 2000, a letter containing annual report questions with a reminder that its annual report was due on June 1, 2000. Additional reminders were sent on December 1, 2000 and on December 12, 2000. The Department has received no written response to any of these letters.

On February 16, 2001, and in accordance with section 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify Dairy Marketing Information Association that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: February 16, 2001.

Vanessa Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–4464 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021301E]

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Snapper Grouper Committee, Spiny Lobster Committee, Marine Reserves Committee, Advisory Panel Selection Committee (Closed Session), Highly Migratory Species Committee, and Shrimp Committee. The Council will also hold joint meetings of the Snapper Grouper Committee and the Wreckfish Advisory Panel, Controlled Access Committee and the Rock Shrimp Advisory Panel, and a joint meeting of the Executive and Finance Committees. There will also be a full Council Session. Public comment periods will be held during some of the meetings.

DATES: The meetings will be held in March 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, GA 31527; Telephone: 800–535–9547 or 912–635–2600, Fax: 912–635–2818.

Copies of the documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. *Snapper Grouper Committee Meeting: March 5, 2001, 1:30 p.m. to 5:30 p.m.*

A public scoping meeting on Amendment 13 to the Snapper Grouper FMP addressing permit transfers, SFA provisions, and Section 7 consultation will be held beginning at 1:30 p.m. A document regarding this issue is available from the Council office (see **ADDRESSES**).

Immediately following the public comment period, the Snapper Grouper Committee will meet to review public hearing comments on the use of powerhead gear; develop recommendations for framework measures on the use of powerheads as appropriate; review the status of the peer review concerning red porgy assessment and projections, the stock status for snowy grouper and golden tilefish, and SFA issues; review the Snapper Grouper Assessment Group report and recommendations; and develop preliminary directions to staff as appropriate.

2. *Joint Snapper Grouper Committee and Wreckfish Advisory Panel Meeting: March 6, 2001, 8:30 a.m. to 10:30 a.m.*

The Snapper Grouper Committee will meet jointly with the Wreckfish Advisory Panel to develop recommendations for wreckfish TAC and wreckfish framework actions as needed.

3. *Spiny Lobster Committee Meeting: March 6, 2001, 10:30 a.m. to 12:00 noon.*

A public scoping meeting will address issues in Amendment 7 including tailing permits and management structure. The Spiny Lobster Committee will meet to review a draft options paper for Amendment 7 to the Spiny Lobster FMP and develop recommendations. A document regarding this issue is available from the Council office (see **ADDRESSES**).

4. *Marine Reserves Committee Meeting: March 6, 2001, 1:30 p.m. to 3:30 p.m.*

The Marine Reserves Committee will meet to hear a report on Marine Protected Areas; the status of the Council's Memorandum of Understanding (MOU) with Gray's Reef National Marine Sanctuary; discuss any necessary updates to the NMFS White Paper on marine reserves; review a marine reserves pre-scoping document; and hear an update on the Gulf closed area lawsuit from NOAA General Counsel.

5. *Advisory Panel Selection Committee Meeting (Closed Session): March 6, 2001, 3:30 p.m. to 5:30 p.m.*

The Advisory Panel Selection Committee will meet to review membership applications and develop recommendations.

6. *Highly Migratory Species Committee Meeting: March 7, 2001, 8:30 a.m. to 10:30 a.m.*

The Highly Migratory Species Committee will meet to hear a presentation on NMFS' Highly Migratory Species (HMS) activities, review the status of the HMS and Billfish Advisory Panels, and discuss Council interaction with the NMFS's HMS program.

7. *Shrimp Committee Meeting; March 7, 2001, 10:30 a.m. to 12:00 noon and 1:30 p.m. to 3:00 p.m.*

A Public Scoping Meeting on Amendment 6 to the Shrimp FMP will be held beginning at 10:30 a.m. Items under consideration include permits, night time closures and trawl size restrictions. A scoping document is available from the Council office (see **ADDRESSES**). The Committee will establish sites for additional scoping meetings.

Beginning at 1:30 p.m., the Committee will discuss options for Amendment 6 and provide directions to staff. The Committee will also review the status of NMFS observer coverage for the rock shrimp fishery and the condition of over-wintering shrimp stocks and take action as appropriate.

8. *Joint Controlled Access Committee and Rock Shrimp Advisory Panel Meeting: March 7, 2001, 3:00 p.m. to 5:00 p.m. and March 8, 2001, 8:30 a.m. to 10:30 a.m.*

At the March 7 meeting, the Controlled Access Committee will meet jointly with the Rock Shrimp Advisory Panel (AP) to review the rock shrimp limited access options paper and develop advisory panel recommendations. A scoping document is available from the Council office (see **ADDRESSES**).

At the March 8 meeting, the Committee and the AP will develop recommendations for a draft amendment addressing limited entry and approve them for public hearing.

9. *Joint Executive/Finance Committee Meeting: March 8, 2001, 10:30 a.m. to 12:00 noon*

The Executive Committee will meet jointly with the Finance Committee to hear a report on the Chairmen's and Executive Director's budget meeting with NMFS, discuss staff proposals for additional funding, approve amending $65,000 into the current budget and discuss NMFS response on the Operations Plan.

10. *Council Session: March 8, 2001, 1:30 p.m. to 5:00 p.m.*

From 1:30 p.m. to 1:45 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the November/December 2000 meeting minutes.

From 1:45 p.m. to 2:30 p.m., the Council will hear a report from the Snapper Grouper Committee. Beginning at 1:45 p.m., a public comment period will be held to (1) address any proposed framework changes to the Snapper Grouper FMP addressing the use of powerhead gear by divers off the East Coast of Florida and (2) set the annual wreckfish TAC or other wreckfish framework actions. The Council will then make a decision on the framework actions. A framework document addressing these issues is available from the Council office (see **ADDRESSES**).

From 2:30 p.m. to 3:00 p.m., the Council will hear a report from the Shrimp Committee. Beginning at 2:30, a public comment period will be held on any proposed framework changes to the Shrimp FMP as a result of over-wintering shrimp mortalities. Following

the comment period, the Council will decide on framework action. A document regarding this issue is available from the Council office (see **ADDRESSES**).

From 3:00 p.m. to 4:00 p.m., a Public Scoping Meeting will be held beginning at 3:00 p.m. to address (1) a coral framework action to establish additional Habitat Areas of Particular Concern and (2) the development of a comprehensive FMP amendment addressing permit renewal timeframes, operator permits, a consolidated controlled access system and the Atlantic Coast Cooperative Statistics Program's (ACCSP) permits and reporting. A scoping document addressing these issues is available from the Council office (see **ADDRESSES**).

From 4:00 p.m. to 4:15 p.m., the Council will hear a report from the Spiny Lobster Committee.

From 4:15 p.m. to 4:30 p.m., the Council will hear a report from the Marine Reserves Committee and make any required modifications to the MOU between the Council and Gray's Reef National Marine Sanctuary.

From 4:30 p.m. to 4:45 p.m., the Council will hear a report from the Highly Migratory Species Committee.

From 4:45 p.m. to 5:00 p.m., the Council will hear a report from the Controlled Access Committee and approve draft Amendment 5 to the Shrimp FMP, addressing rock shrimp limited access, for the public hearing.

From 5:00 p.m. to 5:30 p.m., the Council will hear a report on the joint meeting of the South Atlantic Fishery Management Council, Gulf of Mexico Fishery Management Council and the Caribbean Fishery Management Council regarding the Dolphin/Wahoo FMP and take any action required.

11. *Council Session: March 9, 2001, 8:30 a.m. to 12:00 noon*

From 8:30 a.m. to 9:00 a.m., the Council will hear a report from the Advisory Panel Selection Committee and appoint new advisory panel members (closed session).

From 9:00 a.m. to 9:15 a.m., the Council will hear a report from the joint Executive and Finance Committee and approve amending the $65,000 into the current budget.

From 9:15 a.m. to 10:15 a.m., the Council will discuss and make recommendations on potential changes to NMFS final rule regarding allowable gear.

From 10:15 a.m. to 10:30 a.m., the Council will hear an update on economic activities and issues.

From 10:30 a.m. to 10:45 a.m., the Council will hear an update on social activities and issues.

From 10:45 a.m. to 11:00 a.m., the Council will hear an update on the ACCSP.

From 11:00 a.m. to 11:15 a.m., the Council will hear a report on the Ecosystem Management Workshop.

From 11:15 a.m. to 11:30 a.m., the Council will hear status reports from NMFS on the: 2000/2001 Mackerel Framework, resubmitted Calico Scallop FMP, resubmitted Sargassum FMP, Golden Crab Amendment 3, and Dolphin Emergency Rule request. The Council will also hear NMFS status reports on landings for Atlantic king mackerel, Gulf king mackerel, Atlantic Spanish mackerel, snowy grouper & golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 11:30 a.m. to 12:00 noon, the Council will hear agency and liaison reports, and discuss other business and upcoming meetings.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 26, 2001.

Dated: February 20, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–4532 Filed 2–22–01; 2:43 pm]

BILLING CODE 3510–22 –S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020701A]

Marine Mammals; Permit No. 779-1339-00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Southeast Fisheries Science Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, FL 33149 (Principal Investigator: Dr. Keith D. Mullin) has been issued an amendment to scientific research Permit No. 779-1339-02.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, 301/713-2289.

SUPPLEMENTARY INFORMATION: On September 13, 2000, notice was published in the Federal Register (65 FR 55224) that an amendment of Permit No. 779-1339, issued July 8, 1997 (62 FR 38069), had been granted to the above-named organization. The requested amendment was been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216)but did not include an increase in takes for endangered species. This amendment is granted under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing endangered and threatened species (50 CFR parts 222-227).

Permit 779-1339 authorized the Holder to: (1) harass cetaceans for the purpose of estimating abundance, collecting behavioral data, photography and biopsy sampling, and (2) collect and import biopsy tissue samples taken with a projectile dart from cetaceans. This amendment increased the number of humpback whale biopsy samples that could be taken annually.

Issuance of this amendment, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 20, 2001.

Eugene Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4518 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010801B]

Marine Mammals; File No. 473–1433-02.

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Permit No. 473–1433–01, issued to Janice Straley, University of Southeast Alaska, 1332 Seward Avenue, Sitka, Alaska 99835–9498, was amended.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices: Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and Regional Administrator, Alaska Region, NMFS, 709 West 9th Street, 4th Floor, Juneau, Alaska 99801, (907/586–7221).

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski, 301/713-2289.

SUPPLEMENTARY INFORMATION: On August 15, 2000, notice was published in the **Federal Register** (65 FR 49785) that an amendment of Permit No. 473–1433, issued December 23, 1997 (62 FR 67052), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The permit has been amended to authorize: (1) 100 sperm whale takes (*Physeter catodon*) by photo-identification; (2) 5 sperm whale takes by suction cup tagging for critter cam; and (3) 25 sperm whale takes for harassment incidental to suction cup tagging with critter cam. No comments were received from the public on this permit amendment.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 16, 2001.

Eugene T. Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–4519 Filed 2–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force Precision Targeting will meet in closed session March 29–30, 2001; April 19–20, 2001; May 10–11, 2001; June 14–15, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Target types will include fixed installations and both transportable and mobile military force elements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force will review: All planned precision weapons programs and procurements to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c) (1), and that accordingly these meetings will be closed to the public.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4482 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Managed Information Dissemination Follow-On Initiative will meet in closed session on February 22–23, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will review the need and feasibility of a coordinated information dissemination capability within the U.S. Government encompassing tactical, operational, and strategic information. Specifically, they will investigate: detailed and actionable recommendations with respect to enabling ''channels'' and establishing appropriate ''brand identity''; DoD's role in a U.S. strategic information dissemination capability; policy, legal, and economic issues hindering U.S. capabilities; and identify new and emerging technologies capable of enhancing U.S. capabilities.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's ability to provide information.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c) (1), and that accordingly

this meeting will be closed to the public.

Due to critical mission requirements and the limited timeframe to accomplish this review, there is insufficient time to provide timely notice required by section 10(c)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to this meeting.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4483 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Chemical Warfare Defense will meet in closed session on April 10, 2001, and April 24, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. The Task Force will assess the possibility of controlling the risk and consequences of a chemical warfare (CW) attack to acceptable national security levels within the next five years.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will assess current national security and military objectives with respect to CW attacks; CW threats that significantly challenge these objectives today and in the future; the basis elements (R&D, materiel, acquisition, personnel, training, leadership) required to control risk and consequences to acceptable levels, including counter-proliferation; intelligence, warning, disruption; tactical detection and protection (active and passive); consequence management; attribution and deterrence; and policy. The Task Force will also assess the testing and evaluation necessary to demonstrate and maintain the required capability and any significant impediments to accomplishing this goal.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4484 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense—Follow-On Initiative will meet in closed session on February 27–28, 2001; March 27–28, 2001; and April 24–25, 2001, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA 22201. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will: consider the broad spectrum of intelligence issues from early threat detection to deterrence, through response—including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors need to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally (Low SNR); and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4485 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meetings

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Training for Future Conflicts will meet in closed session on February 28, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. This Task Force will focus on identifying and characterizing what education and training are demanded by Joint Vision 2010/2020, and will address the development and demonstration time phasing over the next two decades for the combined triad of technology modernization, operational concepts, and training.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will also identify those approaches and techniques that potential enemies might take that could prepare them to revolutionize their warfare capabilities, thereby achieving a training surprise against the U.S. or its allies. This review will include, but not be limited to, unique training/education developments which might be spawned by allies or an adversary, training techniques and methodologies which might be transferred from the U.S. or

through third parties, and finally, the possibilities emerging as a result of the globalization of military and information technologies, related commercial services and their application by other nations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4486 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Defense Science & Technology (S&T) will meet in closed session on March 1–2, 2001; March 29–30, 2001; May 3–4, 2001; June 7–8, 2001; June 28–29, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will consider: future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in this changing world; and how to maintain excellence in in-house S&T endeavors.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4487 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Defense Science & Technology (S&T) will meet in closed session on March 1–2, 2001; March 29–30, 2001; May 3–4, 2001; June 7–8, 2001; June 28–29, 2001; and July 26–27, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA. The Task Force will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will consider: future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in this changing world; and how to maintain excellence in in-house S&T endeavors.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: February 15, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–4488 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

National Reconnaissance Office, Privacy Act of 1974; System of Records

AGENCY: National Reconnaissance Office.

ACTION: Notice to add a system of records.

SUMMARY: The National Reconnaissance Office is adding a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 26, 2001 unless comments are

received which result in a contrary determination.

ADDRESSES: National Reconnaissance Office, 14675 Lee Road Chantilly, VA 20151–1715.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Freimann at (703) 808–5029.

SUPPLEMENTARY INFORMATION: The National Reconnaissance Office systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 14, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

QNRO–15

SYSTEM NAME:

Facility Security Files.

SYSTEM LOCATION:

Management Services and Operations, Customer Security Services/ Headquarters Security Services Group National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Reconnaissance Office (NRO) civilian, military, and contractor personnel who have been issued an NRO badge for entry onto the gated compound and into the facility; all other visitors who do not possess an NRO recognized badge but have been granted access to the NRO compound and facility; and any individuals who make unsolicited contact with the NRO.

CATEGORIES OF RECORDS IN THE SYSTEM:

For badged personnel information includes: Name, Social Security Number, grade or rank, employer, organization, office location, work telephone number, vehicle license plate number, auto emissions compliance (yes or no), date and place of birth, home address and telephone number, point of contact and emergency phone number, badge status, type, number, and issue date, government sponsor, start and expiration dates, approving officer, access and access status, access approval identification, access request date and approval date, access briefing and debriefing dates, investigation and re-indoctrination dates, polygraph date and status, communication message designator and tracking number;

For visit requests information includes: Name, Social Security Number, organization (affiliation), employer of visitor, cleared or uncleared status, the visit point of contact's name and telephone number, visit date, type of badge to be issued, person issuing badge, date issued, location of visit, visit message, visit group identifier, access or certification access date, and any special accommodation or needs, such as handicap parking or wheelchair access;

For unsolicited contacts information may include: Name, Social Security Number, date and place of birth, home address and telephone number, vehicle license plate number, the correspondence received, and occasionally comments on the contact; information may be limited to that which the person making contact is willing to offer; and

For access control information includes: Name, Social Security Number, employment status, access expiration date, picture of employee, work telephone number, vehicle license plate number, date of visit, point of contact, and the times and locations of access to the secure areas of the facility; fields of information for an NRO employee may differ from those for a visitor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947 as amended, 50 U.S.C. 401 et seq.; 5 U.S.C. 301, Departmental Regulations; E.O. 12333; E.O. 12958; and E.O. 9397 (SSN).

PURPOSE(S):

The NRO collects and maintains the records (a) To maintain and provide reports for and on personnel and badge information of the current tenants of authorized facilities; also to create and track the status of visit requests and the issuance of visitor badges; (b) To identify employees and visitors at the entrances of the gated facility; tracking inside the NRO facility the NRO employee and visitor badges as they are used to pass through turnstiles and access office suites and other work areas; (c) To track any unsolicited contacts with the NRO, whether by correspondence or personal contact; to provide a threat assessment program for the Facility Security Services; and to track the investigation and determination of any wrongdoing or criminal activities by NRO employees or facility visitors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routines Uses'' published at the beginning of the NRO compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and automated information systems, maintained in computers and computer output products.

RETRIEVABILITY:

Name, organization (or affiliation), dates of visit, type of badge issued, and active or inactive badge status, Social Security Number, badge expiration date, vehicle license plate number, home address and phone number, date and place of birth, and work address and telephone number.

SAFEGUARDS:

Records are stored in a secure, gated facility, guard, badge, and password access protected. Access to and use of these files are limited to security staff whose official duties require such access. The automated systems in some cases are partitioned and users of the systems may access only those records for which they have access privileges.

RETENTION AND DISPOSAL:

Records are temporary, retained for 3 months to 5 years depending on the type of record; unsolicited contact records are retained for 25 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Customer Security Services/ Headquarters Security Services Group, Management Services and Operations, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Request should include the individual's full name and any aliases or nicknames, address, Social Security Number, current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed without the United States: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). Signature.

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). Signature.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Request should include the individual's full name and any aliases or nicknames, address, Social Security Number, current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed without the United States: I declare (or certify, verify, or state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). Signature.

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). Signature.

CONTESTING RECORD PROCEDURES:

The NRO rules for accessing records, for contesting contents and appealing initial agency determinations are published in NRO Directive 110–3A and NRO Instruction 110–5A; 32 CFR part 326; or may be obtained from the Privacy Act Coordinator, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

RECORD SOURCE CATEGORIES:

Information is supplied by the individuals (NRO employee, visitor, or person making the unsolicited contact) and by the security staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 326. For additional information contact the system manager.

[FR Doc. 01–4481 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend record system.

SUMMARY: The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on March 26, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports. The records system being amended is set forth below, as amended, published in its entirety.

Dated: February 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01754–3

SYSTEM NAME:

Navy Child Development Services Program (April 28, 1999, 64 FR 22840).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Add 'payment records' to entry.

* * * * *

N01754–3

SYSTEM NAME:

Navy Child Development Services Program.

SYSTEM LOCATION:

Navy Child Development or Family Service Centers located at various Navy and Marine Corps activities both in CONUS and overseas. Official mailing addresses of Navy and Marine Corps activities are published as an appendix to the Department of the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families or dependents. In certain locations, DOD civilian employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; case number; home address and telephone number; insurance coverage; names of parents and children; payment records; performance rating; complaints; background information, including medical, educational references, and prior work experience, information from the Naval Criminal Investigative Service

(NCIS), the family advocacy program, base security, and state and local agencies; information related to screening, training, and implementation of the Family Child Care program; and reports of fire, safety, housing, and environmental health inspections. Children's records will also include developmental profiles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; and E.O. 9397 (SSN).

PURPOSE(S):

To develop child care programs that meet the needs of children and families, provide child and family program eligibility and background information; verify health status of children and verify immunizations, note special program requirements; consent for access to emergency medical care; data required by USDA programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal officials involved in Child Care Services, including child abuse for the purpose of investigation and litigation.

To State and local officials involved with Child Care Services if required in the performance of their official duties relating to investigations.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

By last name of member and Social Security Number.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel. Building or rooms are locked outside regular working hours. Computer files are protected by software programs that are password protected.

RETENTION AND DISPOSAL:

Records are kept for two years after individual is no longer in the Child Development Program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Personnel Command (Pers-659), 5720 Integrity Drive, Millington, TN 38055–6590.

Record Holder: Navy Child Development or Family Service Centers located at various Navy and Marine Corps activities both in CONUS and overseas. Official mailing addresses of Navy and Marine Corps activities are published as an appendix to the Department of the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individuals should provide proof of identity and full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Individuals should provide proof of identity and full name.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from individuals either applying as child care providers or participant of the Family Child Care program; background checks from State and local authorities; housing officers; information from the Family Advocacy program; base security officers and base fire, safety and health officers; and local family child care monitors and parents of children enrolled.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 01–4337 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The routine uses being added will permit the collection of debts owed to the U.S. Government.

DATES: This action will be effective on March 26, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on February 14, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About

Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: February 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N04066–1

SYSTEM NAME:

Bad Checks and Indebtedness Lists (May 22, 1996, 61 FR 25637).

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Copy of application, monthly statements, dunning notices, DD139s, correspondence from both AAFES and the collection contractor; Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by the Navy exchange to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; C.O.D. Sales Ledger; NEXCARD data base; MILSTAR, the all-service credit card; and TOP (Treasury Offset program) accounts.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; 31 CFR 285.11, Administrative Wage Garnishment; Federal Claims Collection Act of 1966 (Pub.L. 89–508) and Debt Collection Act of 1982 (Pub.L. 97–365) as amended by the Debt Collection Improvement Act of 1996 (Pub.L. 104–134, section 31001; and E.O. 9397 (SSN).''

PURPOSE(S):

At the end of the first paragraph, add ''and to collect indebtedness.'' Add a new paragraph ''Records may also be used by the Army and Air Force Exchange Service (AAFES) or its contractor for the purpose of recouping fees.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add two new paragraphs ''To any State and local governmental agency that employs the services of others and that pays their wages or salaries, where the employee owes a delinquent non-tax debt to the United States for the purpose of garnishment.

To the Department of the Treasury, Financial Management Service, for the purpose of collecting delinquent debts owed to the U.S. Government via administrative offset.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are kept for ten years and then destroyed. NEXCARD customer master records are saved daily for one month after which they become part of the monthly master files which are saved for a year. The administrator of the NEXCARD retains and stores the year-end master files indefinitely.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''The individual; the bank involved; activity sales records; Internal Revenue Service; credit bureaus; AAFES and/or their contractor; and the Defense Manpower Data Center.''

* * * * *

N04066–1

SYSTEM NAME:

Bad Checks and Indebtedness Lists.

SYSTEM LOCATION:

Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724 (for all Navy exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who have passed bad checks; recruits who have open accounts with Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name and/or Social Security Number; includes all holders of NEXCARDs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of application, monthly statements, dunning notices, DD139s, correspondence from both AAFES and the collection contractor; Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by the Navy exchange to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; C.O.D. Sales Ledger; NEXCARD data base; MILSTAR, the all-service credit card; and TOP (Treasury Offset program) accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; 31 CFR 285.11, Administrative Wage Garnishment; Federal Claims Collection Act of 1966 (Pub.L. 89–508) and Debt Collection Act of 1982 (Pub.L. 97–365); and E.O. 9397 (SSN).

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy and to collect indebtedness.

Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

Records may also be used by the Army and Air Force Exchange Service (AAFES) or its contractor for the purpose of recouping fees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by Navy against the tax payer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3217, and 3718.

To any State and local governmental agency that employs the services of others and that pays their wages or salaries, where the employee owes a delinquent non-tax debt to the United States for the purpose of garnishment.

To the Department of the Treasury, Financial Management Service, for the purpose of collecting delinquent debts owed to the U.S. Government via administrative offset.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal

claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other Navy purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mainframe magnetic tapes, disk drives, printed reports, file folders, and PC hard and floppy disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Locked file cabinets, supervised office space, supervised computer tape library which is accessible only through the data center, entry to which is controlled by a 'cardpad' security system, for which only authorized personnel are given the access code. PC entry into the system may only be made through individual passwords.

RETENTION AND DISPOSAL:

Records are kept for ten years and then destroyed. NEXCARD customer master records are saved daily for one month after which they become part of the monthly master files which are saved for a year. The administrator of the NEXCARD retains and stores the year-end master files indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724. Record Holder: Treasurer, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724 (for Navy exchanges).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved; activity sales records; Internal Revenue Service; credit bureaus; and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–4480 Filed 2–22–01; 8:45 am]

BILLING CODE 5001–10–U

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, February 28, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include a progress report on the Commission's Comprehensive Plan; the status of a proposed rulemaking to amend the Comprehensive Plan with respect to water usage reporting requirements; issues relating to development of the PCB TMDL for the Delaware Estuary; a preliminary issues paper for the Flow Management Study; a proposal to institute project review upon retirement of entitlements; and creation of a Delaware Estuary Program office at the Commission. Summaries of the following meetings will be presented: the Toxics Advisory Committee meetings of January 11 and February 26 and the inaugural meeting of the Information Management Advisory Committee on February 1.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *SPS Technologies D–79–88 RENEWAL 3.* A ground water withdrawal renewal project to supply up to 8.7 million gallons (mg)/30 days of water to the applicant's manufacturing plant from existing Well No. 7 in the Upper Reach Frankford Creek watershed. No increase in allocation is proposed. The project is located in Abington Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Lawrenceville Water Company D–83–26 CP RENEWAL 2.* A ground water withdrawal renewal project to supply up to 21.7 mg/30 days of water to the applicant's public water distribution system from Wells Nos. 4, 5, 6 and 9 in the Stockton Formation. Commission approval on January 12, 1990 was limited to 10 years. The applicant requests that the total withdrawal from all wells remain limited to 21.7 mg/30 days. The project is located in Lawrence Township, Mercer County, New Jersey.

3. *Bristol Township D–90–98 CP.* A project to rerate the applicant's existing 2.25 million gallons per day (mgd) secondary level treatment Croydon Sewage Treatment Plant (STP) to 3.0 mgd and to revise the service area to allow Subdistricts 2, 3 and 4 and the Keystone Industrial Sewer District (Keystone) to convey their sewage directly to the Croydon STP, which currently serves Subdistrict 1. Treated effluent will continue to discharge to the Delaware River in Water Quality Zone 2. The Croydon STP is located on River Road near the Delaware River, approximately 1.3 miles upstream of the Neshaminy Creek confluence in Bristol Township, Bucks County, Pennsylvania.

4. *Delaware State University D–99–76.* A ground water withdrawal project to supply up to 5 mg/30 days of water to the applicant's research facility from new North Well No. 2 and new South Well No. 1 located in the Cheswold aquifer, and to limit the withdrawal from all wells to 5 mg/30 days. The project is located in the City of Dover, Kent County, Delaware.

5. *Warminster Township Municipal Authority D–2000–19 CP.* A ground water withdrawal project to supply up to 10.8 mg/30 days of water to the applicant's public water distribution system from new Well No. NATC–10 in the Stockton Formation, and to limit the withdrawal from all wells to 124.8 mg/30 days. The project is located in Warminster Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

6. *East Marlborough Township D–2000–43 CP.* A project to expand the Wollaston Road 0.125 mgd STP and spray irrigation system to provide secondary treatment of 0.292 mgd. The proposed Unionville Regional STP will include the combined flows from the Baltimore Pike STP (0.15 mgd), the Wollaston Road wastewater treatment plant (0.125 mgd), and the Dolkeith Farms STP (0.015 mgd). The project is located just north of Street Road, approximately 1,500 feet west of Route 82, in East Marlborough Township, Chester County, Pennsylvania, in Water Quality Zone C–5 of the West Branch Red Clay Creek watershed. No surface water discharge is proposed and 0.15 mgd of the Baltimore Pike STP effluent that currently discharges to East Branch Red Clay Creek will be conveyed to the proposed regional plant for treatment and spray application.

7. *Borough of Quakertown D–2000–64 CP.* A project to replace the withdrawal of water from Wells Nos. 5 and 6 in the applicant's public water supply system that have become unreliable sources of supply. The applicant requests that the withdrawal from replacement Well No. 8 in the Brunswick Formation be limited to 9 mg/30 days, and that the total withdrawal from all wells remain limited to 51.1 mg/30 days. The project is located in the Tohickon Creek watershed in Quakertown Borough and Richland Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Berks-Montgomery Municipal Authority D–2000–70 CP.* A project to rerate the applicant's existing 1.9 mgd tertiary level treatment Swamp Creek STP to treat a maximum monthly flow of 2.1 mgd; the annual average flow will remain 1.9 mgd. The plant is located one-half mile east of the intersection of Congo Road and Swamp Pike in Douglass Township, Montgomery County, Pennsylvania and will continue to serve the Boroughs of Bechtelsville and Boyertown and portions of Colebrookdale and Washington Townships in Berks County; and a portion of Douglass Township in Montgomery County. Treated effluent will continue to discharge to Swamp Creek in the Perkiomen Creek watershed.

In addition to the public hearing, the Commission will address the following at its 1:30 p.m. business meeting: minutes of the January 9, 2001 business meeting; announcements; report on hydrologic conditions in the basin; report by the Executive Director; public dialogue; and resolutions: (1) Authorizing the Executive Director to proceed with a facilitated two-day meeting of the Watershed Advisory Council including a consensus-building workshop; (2) authorizing the Executive Director to contract with the Delaware Department of Natural Resources and Environmental Control to implement elements of the Comprehensive Conservation and Management Plan for the Delaware Estuary; and (3) establishing a Delaware Estuary Program office to be housed at the Commission.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883–9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883–9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883–9500 ext. 203 or through the New Jersey Relay Service at 1–800–852–7899 (TTY) to discuss how the Commission may accommodate your needs. Driving directions to the meeting location are posted on the Commission's web site, at *http://www.drbc.net.*

Dated: February 12, 2001.

Pamela M. Bush,

Commission Secretary.

[FR Doc. 01–4512 Filed 2–22–01; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, March 10, 2001, 8:30 a.m.–12 noon.

ADDRESSES: Fernald Environmental Management Project Site, Services Building Conference Room, 7400 Willey Road, Hamilton, OH 45219.

FOR FURTHER INFORMATION CONTACT: Lois Yasutis, Phoenix Environmental, 6186 Old Franconia Road, Alexandria, VA 22310, at (703) 971–0030 or (513) 648–6478, or e-mail; *lyasutis@theperspectivesgroup.com.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

8:30 a.m. Call to Order
8:30–8:45 a.m. Chair's Remarks and Ex Officio Announcements
8:45–9:15 a.m. Update on Silos Project
9:15–10:30 a.m. Discussion and Recommendations on Rebaselining Scenarios
10:30–10:45 a.m. Break
10:45–11:45 a.m. Discussion and Recommendations on Rebaselining Scenarios
11:45–12:00 noon Public Comment
12 noon Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or

telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Office, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, c/o Phoenix Environmental Corporation, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on February 20, 2001.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–4493 Filed 2–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 7, 2001; 6 p.m.–9 p.m.

ADDRESSES: Desert Research Institute, 755 East Flamingo Road, Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197, fax: 702–295–5300.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Discussion of the DOE Budget Prioritization process

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on February 20, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–4494 Filed 2–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–84–000]

Allegheny Energy Supply Conemaugh, LLC; Notice of Amended Application for Commission Determination of Exempt Wholesale Generator Status

February 15, 2001.

Take notice that, on February 14, 2001, Allegheny Energy Supply Conemaugh, LLC filed a supplement to its Application for Determination of Exempt Wholesale Generator Status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935.

Any person desiring to be heard concerning the amended application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended application. All such motions and comments should be filed on or before March 8, 2001 and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202)208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4504 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–230–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 13, 2001 Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets listed on Appendix A to the filing, with an effective date of February 1, 2001.

ESNG states that the purpose of this instant filing is to track rate changes attributable to storage services purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS. The costs of the above referenced storage services comprise the rates and charges payable under ESNG's respective Rate Schedules GSS and LSS. This tracking filing is being made pursuant to Section 3 of ESNG's Rate Schedules GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional

customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4507 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–231–000]

Egan Hub Partners, L.P.; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 12, 2001, Egan Hub Partners, L.P. (Egan Hub) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to be effective on March 15, 2001:

Third Revised Sheet No. 87
Fourth Revised Sheet No. 88

Egan Hub states that the purpose of this filing is to revise Section 22 of the General Terms and Conditions of its FERC Gas Tariff to remove provisions no longer applicable, to revise the phone number of the person to whom complaints should be directed regarding Egan Hub's compliance with the Commission's gas marketing affiliate rules and to provide for the posting on Egan Hub's Internet Web site of information regarding shared operating employees and shared facilities, as well as any physical office space barriers and card key protections that may be necessitated by virtue of shared office space, consistent with Commission precedent.

Egan Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the interent in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4508 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

[Docket No. RP01–228–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 9, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on the filing, to become effective March 12, 2001.

Northern Border proposes to make housekeeping changes in its tariff to reflect cross-references to the applicable GISB standards and conform language in a few certain areas of Northern Border's tariff to conform to the GISB standards. The proposed housekeeping tariff changes, when approved will make it easier for the user of Northern Border's tariff to track the GISB standards.

Northern Border copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4503 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–87–001]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

February 16, 2001.

Take notice that on February 9, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Third Revised Sheet No. 95B, with an effective date of April 1, 2001.

Tennessee states that the revised tariff sheets are being filed in compliance with the ''Order on Complaint'' issued by the Commission in the captioned proceeding on January 10, 2001. *Tennessee Gas Pipeline Company*, 94 FERC ¶ 61,006 (2001) (''Order''). Consistent with the Order, Tennessee proposes to revise Section 3.4(c) of Rate Schedule FS to permit proportionate

releases of capacity and to clarify Section 3.4. Tennessee proposes an effective date of April 1, 2001.

Tennessee states that copies of the filing have been mailed to each of the parties that have intervened in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4506 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–011]

Transwestern Pipeline Company; Notice of Negotiated Rate

February 16, 2001.

Take notice that on February 6, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to become effective on February 6, 2001:

Seventh Revised Sheet No. 5B.07

Transwestern states that the above sheet is being filed to amend a negotiated rate agreement with Sempra Energy Trading Corporation in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4505 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–229–000]

Trunkline LNG Company; Notice of Proposed Changes in FERC Gas Tariff

February 16, 2001.

Take notice that on February 13, 2001, Trunkline LNG Company (TLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1–A, the tariff sheets listed on Appendix A attached to the filing to become effective March 15, 2001.

TLNG states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to establish the flexibility under TLNG's tariff to negotiate rates in accordance with the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Rate making for Natural Gas Pipelines, Docket No. RM95–6–000 and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, Docket No. RM96–7–000 issued January 31, 1996 (Policy Statement). This filing establishes a negotiated/recourse rate program applicable to TLNG's Rate Schedule FTS consistent with the Policy Statement as well as other Commission pronouncements respecting negotiated rate filings.

TLNG states that copies of this filing are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–4502 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–381–008]

Wyoming Interstate Company, Ltd.; Notice of Filing of Refund Report

February 16, 2001.

Take notice that on February 9, 2001 Wyoming Interstate Company, Ltd. (WIC) filed a refund report in Docket No. RP99–381–000, et al.

WIC states that the filing and refunds were made to comply with the Federal Energy Regulatory Commission's (Commission) Order of September 27, 2000. These amounts were paid by WIC on December 11, 2000.

WIC states that the refund report summarizes transportation refund

amounts for the period January 1, 2000 through October 31, 2000 pursuant to Article VI of WIC's Stipulation and Agreement as approved in the Commission's September 27, 2000 Order.

WIC states that the copies of WIC's filing are being mailed to all holders of the tariff and to public bodies and that the filing is available for public inspection at WIC's offices in Colorado Springs, Colorado.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 23, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–4509 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–76–000]

Cove Point LNG Limited Partnership; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cove Point LNG Project, Request for Comments on Environmental Issues, and Notice of Public Meeting and Site Visit

February 16, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cove Point LNG Project involving the reactivation of offshore facilities, and the construction and operation of onshore facilities by Cove Point LNG Limited Partnership (Cove Point LNG) in Calvert County, Maryland.[1] The proposal anticipates the resumption of liquefied natural gas (LNG) deliveries by tanker ship to the Cove Point LNG import terminal starting in April 2002. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Summary of the Proposed Project

Cove Point LNG proposes to provide open access LNG tanker unloading services of up to 750,000 dekatherms per day for three customers importing LNG. Cove Point LNG seeks authorization to reactivate, repair or replace the following existing facilities:

- refurbish five LNG unloading arms, and replace five LNG unloading arms with powered emergency release couplings;
- refurbish or replace offshore instrumentation and control systems;
- remove offshore LNG booster pumps and elevated pulpits from piers;
- refurbish and upgrade offshore fire water systems;
- renovate offshore offices and relocate control room to upper level;
- refurbish and upgrade hazard detection, fire protection, and electrical systems;
- refurbish the third gas-turbine electrical generator;
- replace the ten LNG vaporizers within the existing concrete tanks;
- refurbish the third first-stage LNG pump and four cold vapor blowers;
- restage the ten second-stage LNG sendout pumps;
- replace glycol-water heaters for the boiloff gas and fuel gas heater system;
- install nitrogen fire suppressant systems on all LNG storage tank relief vales; and
- decommission the existing 15 million cubic feet per day liquefaction system upon resumption of LNG imports.

Cove Point LNG also seeks authorization to construct and operate the following new facilities at its existing site:

- 850,000-barrel (2.8 billion cubic feet of gas equivalent) double-wall LNG storage tank with spill containment dike;
- 485,000 standard cubic feet per hour nitrogen separation plant to be used for Btu reduction of sendout gas;
- meter station on the 36-inch-diameter transmission pipeline; and
- addition to the administration building.

The location of the project facilities is shown in appendix 1.[2]

In a related application filed under Docket No. CP01–77–000, Cove Point LNG seeks authorization to construct, site and modify the import terminal facilities at the terminal under Section 3(a) of the Natural Gas Act and Part 153 of the Commission's regulations.

Enhancements are also planned for the existing 87-mile-long Cove Point Pipeline, from Calvert County, Maryland to Loudon County, Virginia, pursuant to the Commission's blanket certificate authority and prior notice requirements in Part 157 Subpart F. Cove Point LNG plans to install pig[3] launchers and receivers on the Cove Point Pipeline; smart pig the entire pipeline; replace sections as needed; and uprate the pipeline pressure to 1,250 pounds per square inch under its blanket certificate authority. Transcontinental Gas Pipe Line Corporation (Transco) plans to install: hot taps on the Cove Point Pipeline and Transco's B and C Lines; a meter and regulating station; and 2 miles of 36-inch-diameter pipeline under prior notice procedures.

Land Requirements for Construction

The Cove Point LNG terminal property consists of 1,017 acres on the western shore of the Chesapeake Bay, of which 108 acres are developed for onshore terminal operations. The proposed new onshore facilities would occupy about 6.0 acres within the developed site. Contractor staging and storage would temporarily affect an additional 18.2 acres of land in areas that were used during the initial construction of the facility.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[4] to discover and address concerns the

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[1] Cove Point LNG's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] A pipeline pig is a device used to internally clean or inspect the pipeline. A pig launcher/receiver is a surface facility where pigs are inserted or retrieved from the pipeline.

[4] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources, fisheries, and wetlands
- land use
- cultural resources
- vegetation and wildlife
- endangered and threatened species
- air quality and noise
- public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on page 5.

Currently Identified Environmental Issues

We have already identified several environmental issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Cove Point LNG. This preliminary list of issues may be changed based on your comments and our analysis.

- Up to 90 LNG tankers per year would transit the Chesapeake Bay to the terminal by the year 2004.
- A safety exclusion zone, to be established around the offshore pier whenever an LNG tanker is moored, would restrict use around the pier by recreational and commercial fisherman.
- Environmental and technical issues associated with the construction and operation of a new 850,000 barrel LNG storage tank on the site.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to:
- David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 1, PJ 11.1.
- Reference Docket No. CP01–76–000.
- Mail your comments so that they will be received in Washington, DC on or before March 23, 2001.

comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's Guide. Before you can file comments, you will need to create an account by clicking on ''Login to File'' and then ''New User Account.''

Public Scoping Meeting and Site Visit

In addition to asking for written comments, we invite you to attend a public scoping meeting that we will conduct in the project area. The purpose of the scoping meeting is to provide state and local agencies, interested groups, affected landowners, and the general public with an opportunity to learn more about the project and another chance to present us with environmental issues or concerns they believe should be addressed in the EA. A transcript of the meeting will be made so that your comments will be accurately recorded. The location and time is listed below: Thursday, March 15, 2001, 7:00 pm, Holiday Inn, Solomons, MD.

Earlier in the day on March 15, 2001, we will also be conducting a site visit of the Cove Point LNG terminal. Anyone interested in participating in the site visit may contact the FERC's Office of External Affairs identified at the end of this notice for more details. The purpose of the scoping meeting and site visit is limited to environmental issues only. Technical meetings associated with the engineering and cyrogenic design of the facility will be conducted at a later date. Tariff issues and natural gas quality concerns will not be entertained at the scoping meeting and site visit.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the

CIPS menu, and follow the instructions. For assistance with access to CIPS, the helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–4510 Filed 2–22–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

(ER–FRL–6615–8)

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 29, 2001 Through February 02, 2001 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–L61224–00

Rating LO, Lemhi Pass National Historic Landmark Management Plan, Implementation, Beaverhead-Deerlodge National Forest, Beaverhead County, MT and Salmon-Challis National Forest, Lemhi County, ID.

Summary: EPA expressed lack of objections.

ERP No. D–AFS–L65369–OR

Rating EC2, Mill Creek Timber Sales and Related Activities, To Implement Ecosystem Management Activities, Prospect Ranger District, Rogue River National Forest, Jackson County, OR.

Summary: EPA expressed concerns with potential adverse impacts from roads to water quality and habitat quality, including erosion, mass wasting, fragmentation and the increase of non-native species.

ERP No. D–FHW–D40311–PA

Rating EC2, US Route 15 Improvement Project, from PA–6015, Section G–20 and G–22 Tioga County, Pennsylvania and PIN 6008.22.123 Steuben County, New York, (US Route 15 between PA Route 287 and Presho, New York, Funding and COE Section 404 Permit, Tioga County, PA and Steuben County, NY.

Summary: EPA expressed concerns regarding impacts to terrestrial habitat, streams, wetlands, and residences. EPA requested additional information on minimizing and mitigating potential impacts.

Final EISs

ERP No. F–AFS–G65074–TX

Texas Blowdown Reforestation Project, Implementation, National Forests and Grasslands in Texas, Angeline and Sabine National Forests, San Augustine and Shelby Counties, TX.

Summary: EPA had no additional comments.

ERP No. F–AFS–K65226–00

Sierra Nevada Forest Plan Amendment Project, Implementation, several counties, CA and NV.

Summary: The FEIS only partially addressed our objections regarding the road transportation system and protection to roadless areas. EPA offered qualified support for Modified Alternative B as stated in the FEIS and providing it receives full funding for implementation.

ERP No. F–BIA–L65352–WA

Colville Indian Reservation Integrated Resource Management Plan, Implementation, Colville Indian Reservation, Okanogan and Ferry Counties, WA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–F40378–MN

TH–23 Reconstruction, MN–TH–22 in Richmond extending through the Cities of Richmond, Cold Spring and Rockville to I–94, Funding, Stearns County, MN.

Summary: EPA continues to express concern that the action does not provide for a sufficient wetland mitigation plan or a sufficient mitigation plan for lost tree/upland habitat.

ERP No. F–NPS–E61075–FL

Dry Tortugas National Park General Management Plan, Implementation, Monroe County, FL.

Summary: EPA continues to express concerns with implementing the management plan including ecosystem monitoring, the level of mitigation for existing and potential future impacts and enforcement of regulations and visitor use.

ERP No. F–NPS–K60030–CA

Legislative EIS—Timbisha Shoshone Tribal Homeland, To Establish a Permanent Tribal Land Base and Related Cooperative Activities, The Transfer of Federal Land and Acquisition of Private Land, Death Valley National Park, Saline Valley, CA and Lida Ranch near Lida, NV.

Summary: No formal comment letter was sent to the preparing agency.

Dated: February 20, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–4528 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6615–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements Filed February 12, 2001 Through February 16, 2001 Pursuant to 40 CFR 1506.9.

EIS No. 010046, DRAFT EIS, BLM, CA, Northern and Eastern Colorado Desert Plan (Plan), Implementation, Comprehensive Framework for Managing Species and Habitats (BLM), Joshua Tree National Park (JTNP) and Chocolate Mountains Aerial Gunnery Range, California Desert, Riverside, Imperial and San Bernardino Counties, CA, Comment Period Ends: May 26, 2001, Contact: Dick Crowe (909) 697–5216.

EIS No. 010047, DRAFT EIS, BLM, UT, CO, NM, Williams, Questar, Kern River Pipeline Project, To Approve a Petroleum Products Pipeline, and one or two Natural Gas Pipelines and To Amend Forest Plan, UT, NM and CO, Comment Period Ends: April 16, 2001, Contact: LaVerne Steah (801) 539–4114.

EIS No. 010048, DRAFT EIS, FHW, AR, Southeast Arkansas I–69 Connector, Transportation Improvement, Funding, Drew, Lincoln, Cleveland and Jefferson Counties, AR, Comment Period Ends: April 23, 2001, Contact: Amy H. Heflin (501) 324–6435.

EIS No. 010049, FINAL EIS, DOE, CA, National Ignition Facility Project Specific Analysis, Construction and Operation at the Lawrence Livermore National Laboratory, Livermore, CA, Wait Period Ends: March 26, 2001, Contact: Richard Scott (925) 423–3022.

EIS No. 010050, DRAFT EIS, NPS, CA, Santa Cruz Island Primary Restoration Plan, Implementation, Channel Islando National Park, Santa Cruz

Island, Santa Barbara County, CA, Comment Period Ends: April 24, 2001, Contact: Alan Schmierer (415) 427–1441.

EIS No. 010051, FINAL EIS, USN, FL, MS, VA, USS Winston S. Churchill (DDG 81), Conducting a Shock Trial, Offshore of Naval Stations, Mayport, FL; Norfolk, VA and/or Pascagoula, MS, Wait Period End: March 26, 2001, Contact: Lyn Carroll (703) 413–4099.

EIS No. 010052, DRAFT EIS, COE, FL, Cape Sable Seaside Sparrow Protection, Interim Operating Plan, Implementation, Everglades National Park, Dade County, FL, Comment Period Ends: April 09, 2001, Contact: Elamr Kurzbach (904) 232–2325.

EIS No. 010053, FINAL EIS, FHW, TX, US–190 Corridor from FM2657 to the East City Limits of Copperas Cove, Transportation Improvements, Major Investment Study, Coryell and Lampasas Counties, TX, Wait Period Ends: March 26, 2001, Contact: Patrick Bauer (512) 536–5950.

Amended Notices

EIS No. 000338, DRAFT EIS, STB, SD, WY, MN, Powder River Basin Expansion Project, Construction of New Rail Facilities, Finance Docket No. 33407 Dakota, Minnesota and Eastern Railroad, SD, WY and MN, Comment Period Ends: March 06, 2001, Contact: Victoria Rutson (202) 565–1545. Published FR—10–06–00—Review Period Reestablished.

EIS No. 000456, DRAFT EIS, AFS, AK, Cholmondeley Timber Sales, Implementation, Harvesting Timber, Tongass Forest Plan, Tongass National Forest, Craig Ranger District, West of Ketchikan and South of Prince of Wales Island, AK, Comment Period Ends: February 28, 2001, Contact: Dale Kanen (907) 826–3271. Revision of FR notice published on 12/29/2000: CEQ Comment Date has been Extended from 02/20/2001 to 02/28/2001.

EIS No. 010002, DRAFT EIS, MMS, AK, Liberty Development and Production Plan, Beaufort Sea Oil and Gas Development, Implementation, To Transport and Sell Oil to the U.S. and World Markets, Right-of-Way Application, Offshore Beaufort Sea Marine Environment and Onshore North Slope of Alaska Coastal Plan, AK, Comment Period Ends: April 13, 2001, Contact: George Valiulis (703) 787–1662. Revision of FR notice published on 02/12/2001: CEQ Comment Date has been extended from 03/13/2001 to 04/13/2001.

Dated: February 20, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–4529 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00309; FRL–6763–8]

Fiscal Year 2001 Environmental Justice Through Pollution Prevention Grant Funds; Notice of Availability

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: EPA is soliciting grant proposals under the Environmental Justice Through Pollution Prevention (EJP2) grant program. EPA anticipates that approximately $750,000 will be available for Fiscal Year (FY) 2001. This program promotes pollution prevention approaches that address environmental justice concerns in affected communities. Eligible recipients of the grant funds include incorporated non-profit environmental Organizations, environmental justice organizations, community grassroots organizations, including religious and civic groups, local governments, and federally recognized tribal governments.

DATES: All applications must be received by the EPA contractor, Eastern Research Group (ERG), on or before 5 p.m., e.s.t., April 20, 2001. You must submit your application in accordance with the instructions and requirements laid out in Units I., III., and IV. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, Ariel Rios Bldg., 200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Michele Veney, Office of Pollution Prevention and Toxics (OPPT), Pollution Prevention Division (PPD), 7409, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–4588; e-mail address: veney.michele@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. The Agency has not attempted to specifically describe the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document, the Grant Application, or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and application forms for EJP2 grants, from EPA's EJP2 Internet Home Page at http://www.epa.gov/opptintr/ejp2.

2. *By mail*. You may mail a request for this information to the technical person listed in the **FOR FURTHER INFORMATION CONTACT** section, at the address listed.

C. Where and to Whom Do I Submit My Application?

Please submit one original grant application packet and one copy by mail, by person, or by courier to: EJP2 Grant Program, c/o ERG, 2200 Wilson Blvd., Suite 400, Arlington VA 22201.

D. What is the Deadline for Submitting Applications?

All applications must be received by the EPA contractor, Eastern Research Group (ERG), on or before April 20, 2001. You must submit your application in accordance with the instructions and requirements laid out in Units I., III., IV. of the **SUPPLEMENTARY INFORMATION**.

E. What Other Information Does this Notice Include?

1. Scope and Purpose of the Environmental Justice Through Pollution Prevention Grant Guidance
2. Eligible Applicants and Activities
3. Application Requirements
4. Evaluation of Proposals
5. Process for Awarding Grants
6. Expected Time-frame for Reviewing and Awarding Grants
7. Project Period and Final Reports
8. Definitions
9. Regional Contacts
10. Information Regarding Definition of Small Business

II. Scope and Purpose of EJP2 Grant Program

Since 1995, the EJP2 grant program has funded projects which have sought to encourage innovative, non-regulatory pollution prevention techniques in environmental justice communities.

Over the last 5 years of the program, eligible grant recipients have experimented with a variety of different approaches. With experience, we are better able to assess the types of projects and techniques that might be replicated in other affected communities, and the types of projects that should be deferred. We anticipate having less money than in previous years, and applicants can make better use of their time and energy if all eligibility requirements are followed. This grant program is designed specifically to fund only those projects that directly benefit minority and low-income communities by applying pollution prevention approaches. EPA will not award EJP2 funds to proposals for cleanup and disposal activities, trash collection, recycling, and/or pest removal, and/or other initiatives that are aimed at avoiding the generation of pollution.

This year, EPA will limit eligibility to projects involving:

1. *Helping Small Businesses and Institutions Prevent Pollution in Communities*. Projects in this category should involve forging voluntary partnership programs, demonstration projects, and/or general technical assistance and training.

2. *Fostering Partnerships Between Industrial Facilities and Communities*. Projects in this category should involve helping community residents forge relationships with large industrial facilities in their neighborhoods in an attempt to work with the facilities to make environmental improvements and address community concerns.

3. *Demonstrating Agricultural Pollution Prevention*. Projects in this category should involve providing tools to farm workers on best management practices that attempt to reduce pesticide use and worker exposure.

4. *Improving Tribal Environments*. Projects in this category should involve developing strategies that address environmental concerns and promote the development of tribal environmental legislation essential for pollution prevention.

This year, EPA will not fund projects primarily involving:

1. *Educating Communities about Pollution Prevention*. Projects in this category provided outreach materials and technical assistance on pollution prevention approaches through the medium of television broadcasts, brochures, and newsletters to affected communities.

2. *Promoting Efficient Resource Use Within Communities*. Projects in this category promoted energy efficiency, advocated alternatives modes of transportation, and launched the development of urban gardens.

3. *Fostering Youth Education and Involvement*. Projects in this category involved carrying out educational programs and developing curricula to help youth better comprehend environmental issues and develop their capacity to address environmental problems in their communities.

4. Projects from previous years that fit these various categories are described in more detail in EPA's publication on Promoting Environmental Justice through Pollution Prevention (EPA742K–00–001) and in EPA's Assessment of the Environmental Justice through Pollution Prevention grants program, available in Adobe Acrobat Reader .pdf format on EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2. Copies of the Assessment are also available by calling (703) 841–0483.

A. Background on EJP2 Grant Program

In 1990, Congress enacted the Pollution Prevention Act, which established a national policy to prevent or reduce pollution at the source whenever possible. EPA has increasingly devoted its attention to actively ensuring fair environmental protection for all communities while trying to empower those most often disenfranchised from the decision-making process, namely the poor and people of color. In its 1992 report, Environmental Equity: Reducing Risk for All Communities, EPA concluded that people of color and low-income communities are subject to higher levels of toxic pollutant exposure than the general population. Recognizing the disproportionate environmental impacts that many minority and low-income communities face, EPA's Office of Pollution Prevention and Toxics (OPPT) is devising ways to aid these communities solve environmental problems through pollution prevention, which is any practice that reduces or eliminates a pollutant prior to recycling, treatment or disposal. EJP2 grants are meant to aid in the approach toward environmental protection by playing a central role in reducing environmental risks while promoting public involvement and increasing economic benefits.

B. How Does EPA Define Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

C. How is Pollution Prevention Defined Under the Environmental Justice Through Pollution Prevention Grants Program?

EPA has defined pollution prevention as source reduction, which is any practice that reduces or eliminates a pollutant prior to recycling, treatment, or disposal. EPA further defines pollution prevention as the use of other practices that reduce or eliminate the creation of pollutants through:

1. Increased efficiency in the use of raw materials, energy, water, or other resources, and

2. Protection of natural resources by conservation.

To help the public better understand pollution prevention, EPA has established a hierarchy of environmental management practices. In order of preference, these practices include: Pollution prevention and source reduction, recycling, treatment, and safe disposal.

This grant program is focused on applying pollution prevention and source reduction techniques to bring about better environmental protection.

D. How is Pollution Prevention Different from Other EPA Programs?

EPA grant programs have traditionally focused on preventing pollution through reactive means, usually by way of treatment, cleanup, recycling, and/or disposal. EJP2 grants, however, use pollution prevention methods as a preferable approach toward reducing pollution at the source, thereby lessening the need to treat, recycle, and dispose of contaminants. By using proven pollution prevention approaches contaminants have less of a chance to enter the environment and potentially cause adverse environmental health and safety side-effects.

E. What If My Project is Not Pollution Prevention?

EPA, along with other Federal agencies, may have other grant funds available to address your particular needs. For example, EPA's Environmental Justice Small Grants Program, managed by the Office of Environmental Justice, provides grant funding for projects that address

environmental justice problems through ways other than pollution prevention. A list of all EPA grant programs can be found in the Catalog of Federal Domestic Assistance. You may also find copies at some 1,300 Federal Deposit Libraries around the nation (usually located at major colleges and/or universities), or at National Agricultural Libraries (usually located in rural or agricultural areas). You may also find the Catalog of Federal Domestic Assistance on the Internet at: http://www.cfda.gov. To purchase copies please call the General Services Administration at (202) 708–5126.

F. What is the Impact of this Program on Small Entities?

The EJP2 grant program is targeted at nonprofit and community organizations, and therefore benefits small entities. We have informed potential grantees by **Federal Register** publication, updates on the EPA web site, and by maintaining a mailing list of interested parties. We have worked to minimize any potential adverse impacts by clarifying the applicability of the guidance, by encouraging applications that stand little chance of funding, and by providing information on successful projects and approaches.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

III. Eligible Applicants and Activities

A. Who May Submit Applications, and May an Applicant Submit More Than One Proposal?

Any incorporated non-profit community organization, local government, or federally recognized tribal government may submit an application upon publication of this solicitation. ''Non-profit'' organization means any corporation, trust, association, cooperative, or the organization that:

1. Is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest;
2. Is not organized primarily for profit; and
3. Uses its net proceeds to maintain, improve, and/or expand its operations.

While state and local governments and academic institutions are eligible to receive grants, preference will be given to non-profit, community-based/grassroots organizations and state and federally recognized tribal organizations. Organizations must be incorporated by Friday, April 20, 2001 in order to be eligible to receive EJP2 grant funds. For-profit organizations, federal agencies, and individuals are not eligible for this grant. Organizations excluded from applying directly, as well as those inexperienced in grant-writing, are encouraged to develop partnerships and prepare joint proposals with organizations that are eligible for funding. No applicant can receive two grants for the same project at one time. EPA will consider only one proposal per project. Applicants may submit more than one application as long as the applications are for separate and distinct projects.

B. What Types of Projects Are Eligible for Funding?

In past years EPA has encouraged a variety of innovative approaches to pollution prevention through the EJP2 program. The program recently conducted an assessment of previous EJP2 grants. The Assessment includes details on previous grant projects, and factors that contributed to project success. Based on the Assessment, and the fact that the EJP2 program has less money to award in FY 2001, EPA is narrowing the types of projects that will be funded under this program. In past years, this program has been extremely competitive. In the most recent competition, EPA was able to fund fewer than one out of every six applications.

This year, the EJP2 program will only fund projects in four categories:

1. Helping Small Businesses Prevent Pollution in Communities;
2. Fostering Partnerships Between Industrial Facilities and Communities;
3. Demonstrating Agricultural Pollution Prevention;
4. Improving Tribal Environments.

More detail on the types of projects that have been funded is available in the Assessment, and in the EPA Brochure entitled Promoting Environmental Justice Through Pollution Prevention. In the past, EPA has funded grants involving:

1. Fostering Youth Education and Involvement,
2. Educating Communities about Pollution Prevention; and
3. Promoting Efficient Resource Use within Communities.

EPA strongly encourages cooperative efforts between communities, business, industry, and government to address common pollution prevention goals. In addition to narrowing the focus, EPA is encouraging applicants to use already existing information and material rather than use scarce resources to research and develop new initiatives to satisfy a project's goal. EPA urges all applicants to consult the Assessment of EPA's EJP2 Grant Program. The EJP2 Assessment is available by calling: (703) 841–0483, or one can obtain a downloadable version in Adobe Acrobat Reader .pdf format via EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2.

C. How Much Money May Be Requested? Are Matching Funds Required?

Organizations seeking funds from the EJP2 grant program can request up to $75,000 for projects. EPA no longer requires cost sharing or matching for this grant program from institutions of higher education, hospitals, and other non-profit organizations, unless otherwise required by statute, regulation, Executive Order or official Agency policy. Applicants that are governmental entities, such as state and local governments are subject to a 25% matching or cost-sharing requirement. Matching or cost-sharing requirements may be satisfied through either cash or in-kind contributions.

D. Are There Any Restriction on the Use of Federal Funds?

Yes. EPA grant funds can only be used for the purposes set forth in the grant agreement. Grant funds from this program cannot be used for matching funds for other federal grants, construction, personal gifts (e.g., t-shirts, buttons, and hats), purchasing furniture, litigation, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, the recipient may not use these federal assistance funds to sue the federal government or any other government entities. For more information, refer to 40 CFR 30.27, '' Allowable Costs.''

IV. Application Requirements

A. What is Required for Applications?

Proposals from eligible organizations must include the information listed below. To save paper, please provide

double-sided copies whenever possible. Please include one original application packet (with original signatures where required) and one copy of the application packet. Proposals that do not include all of the materials listed below will not be considered for funding. To obtain copies of the EJP2 grant program guidance and application package or to obtain more information regarding the EJP2 grant program, please call (703) 841–0483. A complete electronic copy of the EJP2 grant program guidance and application package is also available via the Internet at EPA's EJP2 Internet Home Page at: http://www.epa.gov/opptintr/ejp2.

Grant Application:

The total number of pages per application may not exceed 25 double-sided pages. Pages must be letter size (8 1/2 ″ x 11″), with normal type size (11 CPI), and have at least 1″ margins.

1. One page summary cover sheet must include:

(a) Name of applicant;

(b) Address of applicant;

(c) Phone number + e-mail address for contact;

(d) Project name;

(e) Dollar amount requested from EPA;

(f) Identification of what category the project will address (e.g. helping small businesses prevent pollution in communities, fostering partnerships between industrial facilities and communities, demonstrating agriculturalpollution prevention, or improving tribal environments);

(g) Brief description of the environmental justice issue(s) to be addressed by the project;

(h) Brief description and explanation of the parties contributing to the concern (e.g. small business, an industrial/agricultural facility or farm);

(i) Brief description of what type of pollution prevention approach will be utilized to address the environmental justice issues in the project proposal; and

(j) Brief description of the purpose of the grant proposal.

2. Narrative (no more than 5 pages in length). The narrative should include a:

(a) Description of the affected communities;

(b) Identification of what category the project will address (e.g. helping small businesses prevent pollution in communities, fostering partnerships between industrial facilities and communities, demonstrating agricultural pollution prevention, or improving tribal environments);

(c) Description of the environmental justice issue(s) to be addressed by the project;

(d) Description of the pollution prevention approach that will be utilized in the project;

(e) Description of the involvement of community and partner organizations in developing and implementing the project;

(f) Description of the anticipated environmental results and other benefits for the community;

(g) Description of the approach used to evaluate the project.

3. Letters of commitment, memoranda of understanding, or other documents that highlight significant involvement of other partners in your grant application.

4. Resumes or biographical information regarding the lead and other key personnel in the grant application.

5. Any additional information (e.g., history of the organization(s) and success stories).

6. Key contacts information sheet.

7. Application for Federal Assistance, SF 424, the official form required for all federal grants that requests basic information about the grantee and the proposed project.

8. The Federal Standard Form SF 424A, which provides information on budget and match.

9. Detailed, itemized budget.

10. Certification of Non-Construction, SF 424B

11. Certification Regarding Debarment, Suspension, and Other Responsibility Matters Form.

12. Certification Regarding Lobbying Form.

13. Disclosure of Lobbying Activities Form.

Please note: Your application may be subject to your state's intergovernmental review process, or the consultation requirements of section 204, Demonstration Cities and Metropolitan Development Act. Check with your state's Single Point of Contact to determine your requirements. Applicants from American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands should also check with their Single Point of Contact. If you do not know who your Single Point of Contact is, please call your EPA regional contact (see Unit X) or EPA Headquarters Grants Policy, Information and Training Branch at (202) 564–5325. Federally recognized tribal governments are not required to comply with this procedure.

B. When and Where Must Applications be Submitted?

Applicants must submit one signed original grant application and one copy by mail, by person, or by courier on or before 5 p.m. e.s.t., April 20, 2001 to the following address: EJP2 Grant Program, c/o ERG, 2200 Wilson Boulevard, Suite 400, Arlington VA, 22201. To request additional copies of the grant application, or for any questions please call (703) 841–0483.

V. Evaluation of Proposals

All proposals must meet three requirements in order to be considered for funding by this program:

1. Would the project benefit a minority and/or low-income community?

2. Would the project use a pollution prevention approach to address the environmental problems of the community?

3. Does the project address one or more of the priority funding areas identified for this program in section II of this guidance?

Proposals will be evaluated and scored by the reviewers on the basis of the following four criteria:

1. Is the proposed approach likely to successfully address the community's environmental concerns?

2. Does the project seem cost-effective?

3. Does the project identify a method for measuring and documenting the project's environmental results and other benefits for the community, either quantitatively or qualitatively?

4. Were the affected community, business or other institutions, and other partners and potential participants effectively involved in the development of the proposal?

VI. Process For Awarding and Issuing Grants

A. How Will Applications be Reviewed?

Each EPA Regional office will form a review panel that will review and evaluate all grant applications from communities within that Region. Applications will be screened to ensure that they meet eligibility requirements of this guidance. Postcards of acknowledgment confirming the receipt of a grant package application will be sent to all applicants by April 27, 2001. Official letters notifying grant applicants of the status of their application will be sent out by November 15, 2001.

B. How Will Final Selections be Made?

After individual projects are reviewed and ranked according to the criteria in Unit V., EPA Regional offices will compare the best applications and make final selections. Additional factors that EPA may take into account include geographic and socioeconomic balance, diverse nature of the projects, cost, and projects whose benefits can be sustained after the grant is completed.

The EJP2 grant program has historically been an extremely

competitive process. In the most recent competition, EPA was able to fund fewer than one out of every six applications. If your project is not funded, you can refer to information regarding other EPA and federal grant opportunities listed in the Catalog of Federal Domestic Assistance.

Funding decisions for the EJP2 grant program's FY 2001 cycle will be publicly announced by October 31, 2001. Official letters informing all applicants of the status of their application will be sent out not later than November 15, 2001.

VII. Expected Time Frame For Reviewing and Awarding Grants

February 16, 2001. FY 2001 EJP2 Application Guidance is available and published in the **Federal Register**.

February 16, 2001 to April 20, 2001. Eligible grant recipients develop and complete their applications.

April 20, 2001. Applications must be postmarked by this date and mailed to: EJP2 Grant Program c/o ERG, 2200 Wilson Boulevard, Suite 400, Arlington VA, 22201.

April 27, 2001. Postcards will be sent to confirm receipt of grant applications.

April 27, 2001 to October 30, 2001. EPA regional program officials review and evaluate. Applications and select grant finalists. Applicants will be contacted by the Region if their application is being considered for funding. Additional information may be required from the finalists, as indicated in Unit IV. EPA regional grant offices process grants and make awards.

October 31, 2001. EPA expects to release the national announcement of the FY 2001Environmental Justice Through Pollution Prevention Grant Recipients.

November 2, 2001. All projects must begin on or after this date.

November 15, 2001. Official letters will be sent out on or before this date notifying all applicants of the status of their application.

October 1, 2003. All projects must conclude, and funds must be expended by this date.

VIII. Project Period and Final Reports

Activities must be completed and funds spent within the time frame specified in the grant award, usually two years. An additional third year may be allowed if a grant extension is extended. Project start dates will depend upon the grant award date (most projects begin in August or September). The recipient organization is responsible for the successful completion of the project. The recipient project manager is subject to approval by the EPA project officer, but EPA may not designate a particular person as the project manager.

All recipients must submit final reports for EPA approval within sixty (60) days of the end of the project period. Specific report requirements (e.g., Final Technical Report and Financial Status Report) will be described in the award agreement. EPA will collect, review, and disseminate grantees' final reports to serve as model programs.

IX. Definitions

1. *Affected communities*. Individuals or groups of individuals who are subject to an actual or potential health, economic or environmental threat arising from or which arose from pollution sources or proposed polluting sources. Affected parties for example include individuals who live near pollution sources and whose health is or might be endangered or whose economic interest is directly threatened or harmed.

2. *Community Development Financial Institution (CDFI)*. An institution that meets the criteria specified in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

3. *Environmental justice*. The fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws, regulation programs and polices. Fair treatment means that no racial ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises, and from the execution of federal, state, local, and tribal programs and polices.

4. *Low-income community*. A population that is classified by the U.S. Bureau of Census as having an aggregated mean income (for a family of four) of $17,029 per year, adjusted for by the cost-of-living index of the locality, and whose income level is at the lowest 25% of the total population of a defined area or jurisdiction.

5. *Non-profit organization*. Any corporation, trust, association, cooperative, or organization that: (1) Is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations.

6. *People of Color Community*. A population that is classified by the U.S. Bureau of the Census as African American, Hispanic American, Asian, and Pacific American, American Indian Eskimo, Aleut and other nonwhite persons, whose compositions are at least 25% of the total population of a defined area or jurisdiction.

7. *Pollution prevention*. The reduction or elimination of pollutants through source reduction, increased efficiency in the use of raw material energy, water, or other resources; or the protection of natural resources by conservation. Pollution prevention measures reduce the amount of pollutants released into the environment prior to recycling, treatment, and disposal.

8. *Small business*. As defined by the Small Business Administration's (SBA) Small Business Size Regulations in 13 CFR part 121. Because SBA's definition of small business is very complex, and varies by industry, section XI lists information that can help determine if the business you intend to work with qualifies as a small business.

9. *Tribe*. All federally recognized American Indian tribes (including Alaska native villages), pueblos, and rancheros. The term tribe refers only to federally-recognized indigenous peoples. Other indigenous peoples are able to apply for grants as long as they are incorporated and otherwise meet eligibility requirements as a nonprofit organization.

X. Regional Contact Names and Addresses

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Primary Contact: Ronnie Harrington; Phone: (617) 918–1703; USEPA Region 1 (SAA);e-mail: harrington.veronica@epa.gov; 1 Congress Street, Suite 100 Boston, MA 02114–2023.

Secondary Contact: Pat O'Leary; Phone: (617) 565–3834; e-mail: oleary.pat@epa.gov.

Region 2: New Jersey, New York, Puerto Rico, U.S. Virgin Islands.

Primary Contact: Marcia Seidner; Phone: (212) 637–3584;USEPA Region 2 (SPMMB); e-mail: seidner.marcia@epa.gov; 290 Broadway, 25th Floor New York, NY 10007.

Secondary Contact: Deborah Freeman; Phone: (212) 637–3730; e-mail: freeman.deborah@epa.gov.

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Primary Contact: Jeff Burke; Phone: (215) 814–2761; USEPA Region 3 (3EI00); e-mail:burke.jeff@epa.gov; 1650 Arch Street Philadelphia, PA 19103–2029.

Region 4:Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Primary Contact: Connie Raines; Phone: (404) 562–9671; USEPA Region 4; e-mail: raines.connie@epa.gov; 61 Forsyth Street, SW. Atlanta, GA 30303–8960.

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Primary Contact: Phil Kaplan; Phone: (312) 353–4669; USEPA Region 5 (DW-8J); e-mail: kaplan.phil@epa.gov; 77 West Jackson Boulevard Chicago, IL 60604–3590.

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Primary Contact: Eli Martinez; Phone: (214) 665–2119; USEPA Region 6 (6EN-XP);e-mail: martinez.eli@epa.gov; 1445 Ross Avenue, Suite 1200 Dallas, TX 75202–2733.

Region 7: Iowa, Kansas, Missouri, Nebraska.

Primary Contact: Althea Moses; Phone: (913) 551–7649; USEPA Region 7 (RAECO);e-mail: moses.althea@epa.gov; 901 North Fifth Street Kansas City, KS 66101.

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Primary Contact: Linda Walters; Phone: (303) 312–6385; USEPA Region 8 (8P–P3T); e-mail: walters.linda@epa.gov; 999 18th Street, Suite 500 Denver, CO 80202–2466.

Secondary Contact: Jean Belille; Phone: (303) 312–6556; e-mail:belille.jean@epa.gov.

Region 9: Arizona, California, Hawaii, Nevada, American Samoa, Guam.

Primary Contact: Eileen Sheehan; Phone: (415) 744–2190; USEPA Region 9 (WST-1-1); e-mail sheehan.eileen@epa.gov; 75 Hawthorne Street San Francisco, CA 94105.

Secondary Contact: John Katz; Phone: (415) 744–2150; e-mail: katz.john@epa.gov.

Region 10: Alaska, Idaho, Oregon, Washington.

Primary Contact: Lucita Valiere; Phone: (206) 553–2964;USEPA Region 10 (01–085); e-mail: valiere.lucita@epa.gov; 1200 Sixth Avenue Seattle, WA 98101.

XI. Information Regarding Definition of Small Business

Small business regulations are contained in Title 13 CFR Part 121, and the Federal Acquisition Regulation 48 CFR part 19.

For the small business definition of the applicable size standard and for size standard questions, you may contact the SBA located in one of the Area Offices of the office of Government Contracting or in Washington, D.C. A downloadable file with a table of the size standards is also available on ''SBA ONLINE'' under both the financial assistance and government contracting sections. You may reach SBA ONLINE via your computer at (800) 697–4636; or in the Washington Metropolitan Area at (202) 401–9600. The SBA ONLINE home page is on the Internet at: http://www.sbaonline.sba.gov.

Each of the six area offices of the SBA's Office of Government Contracting, and two offices in the Washington, D.C. area, have an employee designated as a Size Specialist. Their addresses and telephone numbers are as follows:

1. Office of Government Contracting, New York Area Office, U.S. Small Business Administration, 26 Federal Plaza, Suite 3108, New York, NY 10278; Phone: (212) 264–7756.

2. Office of Government Contracting, Philadelphia Area Office, U.S. Small Business Administration, 475 Allendale Road, Suite 201, King of Prussia, PA 19406; Phone: (610) 962–3723.

3. Office of Government Contracting, Atlanta Area Office, U.S. Small Business Administration, 1720 Peachtree Road, NW., Suite 318 North, Atlanta, GA 30309; Phone: (404) 347–7587.

4. Office of Government Contracting, Chicago Area Office, U.S. Small Business Administration, 300 South Riverside Plaza, Suite 1975, Chicago, IL 60606–6617; Phone: (312) 353–7674.

5. Office of Government Contracting, Dallas Area Office, U.S. Small Business Administration, 8625 King George Drive, Building C, Dallas, TX 75235–3391; Phone: (214) 767–7639.

6. Office of Government Contracting, San Francisco Area Office, U.S. Small Business Administration, 71 Stevenson Street, 20th Floor, San Francisco, CA 94105–2939; Phone: (415) 975–4853.

7. Office of Size Standards, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; Phone: (202) 205–6618.

8. Office of Industrial Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; Phone: (202) 205–6475.

List of Subjects

Environmental protection, grants, pollution prevention, environmental justice.

Dated: February 8, 2001.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 01–4553 Filed 2–22–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, February 20, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's supervisory and resolution activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John M. Reich, concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than February 14, 2001, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: February 20, 2001.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 01–4639 Filed 2-21-01; 12:46 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION.

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, March 1, 2001, at 10 A.M.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advance Notice of Proposed Rulemaking on the Definition of ''Political Committee.''

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–4670 Filed 2–21–01; 2:27 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 2001.

A.Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Pat Allen McClary, Sr., Pat Allen McClary, Jr., Imogene McClary, Diane McNealy McClary, all of Jellico, Tennessee, Donna McNealy McClary, Franklin, Tennessee, Diane McClary Brock, Lafayette, Georgia; to acquire additional voting shares of Union Bancshares of Campbell County, Inc., Jellico, Tennessee, and thereby indirectly acquire additional voting shares of Union Bank, Jellico, Tennessee.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4478 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 19, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Grant County State Bancshares, Inc., Employees Stock Ownership Plan, Swayzee, Indiana; to acquire 30.02 percent of the voting shares of Grant County State Bancshares, Inc., Swayzee, Indiana, and thereby indirectly acquire Grant County State Bank, Swayzee, Indiana.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4479 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2001.

A.Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Rivers Ridge Holding Company, Sartell, Minnesota; to acquire Bank Vista Leasing Company, Sartell, Minnesota, and thereby engage in leasing personal or real property pursuant to § 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, February 16, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–4477 Filed 2–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, February 28, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions)

involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 21, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–4615 Filed 2–21–01; 10:37 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Planning Ideas for the Development of the Children's Health Outcomes Initiative

AGENCY: Agency for Healthcare Research and Quality (AHRQ), DHHS.

ACTION: Notice.

SUMMARY: AHRQ is exploring the feasibility of leading a significant research initiative (Initiative) that will examine the relationships between care management processes (including health systems and clinical care) and children's health outcomes to produce information that can be incorporated into practice and policy. Consistent with research previously funded by AHRQ, outcomes are defined as important dimensions of health attributable to health care, including health perceptions, ability to function, and satisfaction with care. Interventions of interest are broadly defined to include both clinical interventions, organizational characteristics and strategies, and the intersection or combination of both. The purpose of this announcement is to solicit broad input from clinical and social scientists, researchers, clinicians, health systems leaders and others regarding priorities for focusing the Initiative. Recommendations received will be compiled and discussed at an expert meeting convened to discuss the initiative and plan a possible research strategy. This request for suggestions and the expert meeting are preparatory steps of the Initiative, which may lead to a study (or family of studies) commencing in FY 2002.

Nature of Recommendations

AHRQ requests written suggestions as to the priority issues in children's health care that the Initiative should address. Issues should be considered priorities because their impact has not been adequately studied in other research or because their impact can only be evaluated in a large study such as this. Supporting rationale and suggestions for research strategies should be included. Suggestions should address one or more of the following categories:

- *Age of population to be studied:* Child health includes the health care needs of infants, preschoolers, school-age children, and adolescents. Since their needs vary, should the Initiative focus on a particular group or the entire spectrum?
- *General population or priority populations to be studied:* Should the Initiative focus exclusively on the needs of priority populations (as defined by AHRQ: racial and ethnic minorities, low-income populations, people living in rural areas and inner-city, and people living with chronic illnesses and/or disabilities), the needs of children insured through public programs, or the general pediatric population?
- *General health or tracer conditions to be studied:* One approach used to assess care management in adult populations has involved the use of selected ''tracer'' or sentinel conditions (*e.g.,* diabetes) to derive inferences about overall health system performance. (Kessner DM, Kalk CE, Singer J. Assessing health quality—the case for tracers. The New England Journal of Medicine. 1973;288(4): 189–194.) This strategy may or may not be suitable for children. AHRQ seeks input on the question: Should general health or tracer conditions be used to evaluate the health care organization's impact on child health status? If tracer conditions should be the focus, which conditions (physical, mental or behavioral) should be examined? Examples of experience from research or clinical improvement programs would be particularly helpful.
- *Structures of the health care system to be studied:* What organizational and delivery components of typical child health care settings and characteristics should be examined for their impact on children's health outcomes? Beyond the evolution of managed care arrangements, there is far less understood about practice settings likely to influence the content of care.
- *Clinical processes of care:* An important challenge for this Initiative is establishing priorities for clinical conditions or interventions to be assessed. When assessing clinical processes of care, should the focusing theme be ''tracer'' conditions (*e.g.,* acute or chronic medical conditions, behavior problems, risk factors for adult disease, etc.) and the clinical processes that effect theses conditions, or should the focusing theme be generic clinical processes (*e.g.,* anticipatory guidance, specialty care, pediatric rehabilitation, etc.) and their impact on broader health outcomes, or should it be a combination of the two? Criteria for selecting priority topics would also be most welcomed. For example, conditions for which current evidence is exceeded by increasing need (*e.g.,* obesity) are of particular interest, as are clinical processes that are broadly applied but for which there is little evidence (*e.g.,* anticipatory guidance), as well as conditions relevant to children with special health care needs, such as rehabilitative services.
- *Outcomes to be measured:* What might be the most salient child health outcomes, long and short term, for which it would be important to elucidate the relationship with the structures and processes of health care under study?
- *Methodologic issues:* There are a number of study designs that are potentially suitable for this effort, including a multi-center study with a single protocol and coordinating center; centers of excellence with specific themes; a follow-back component added to an existing data collection effort; or focused individual projects that include common outcome measures and design features but allow local flexibility. Comments on the relative advantages or disadvantages to these approaches, or other designs, are also most welcomed.
- *Other issues in child health care that do not fit into the categories above.*

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Submissions should be brief (no more than three pages per recommendation) and may be in the form of a letter or e-mail, preferably with an electronic file in a standard word processing format on 3½ floppy disk or as an attachment. Responses to this request should be submitted to: Howard Bauchner, MD, Scholar in Residence, Agency for Healthcare Research and Quality, 6010 Executive Boulevard, Suite 201, Rockville, MD

20852, Phone: 301/594–5420, Email address: HBauchne@AHRQ.gov.

In order to facilitate the handling of submissions, please include full information about the person submitting the recommendation: (a) Name, (b) title, (c) organization, (d) mailing address, (e) telephone number, and (f) e-mail address. Please do not use acronyms. Electronic submissions are encouraged to HBauchne@AHRQ.gov.

FOR FURTHER INFORMATION CONTACT: Howard Bauchner (301) 594–5420. All responses will be available for public inspection at AHRQ's Center for Outcomes and Effectiveness Research weekdays between 8:30 a.m. and 5 p.m. Arrangements for reviewing the submissions may be made by calling (301) 594–5420.

SUPPLEMENTARY INFORMATION:

Background

Under authorization of Title IX of the Public Health Service Act (42 U.S.C. 299–299c–7) as amended by Public Law 106–129 (1999), the Agency for Healthcare Research and Quality (formerly the Agency for Health Care Policy and Research) is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. AHRQ accomplishes these goals through scientific research; promotion of improvements in clinical and health systems practices including the prevention of diseases and other health conditions; and improvements in the organization, financing and delivery of health care services. Section 1142 of the Social Security Act (42 USC 1320b–12) enhances and elaborates on AHRQ's program of outcomes and effectiveness research which constitutes a major portion of AHRQ's health services research agenda.

This Initiative would combine AHRQ's commitment to health services research on one of its priority populations: children, and two of its strategic goals: to support improvements in health outcomes and identify strategies to improve access, foster appropriate use, and reduce unnecessary expenditures.

Priority Populations

AHRQ has made a commitment to focus its health services research on certain priority populations: racial and ethnic minorities, women, children, the elderly, low-income populations, people living in rural areas and inner-city, and people living with chronic illnesses and/or disabilities. These are all groups for whom public policy struggles to find effective solutions to improve health care. Health services research has consistently documented the persistent, and at times great, disparities in health status and access to appropriate health care services for certain groups, notably racial and ethnic minorities and low income families and children. Despite the dramatic changes occurring in the organization and financing of children's health services, the knowledge base for guiding these changes or assessing their impact is less well developed than that for adults. Health care issues that exist for people with chronic illnesses and disabilities also require attention. Health services research should do a better job of bringing science-based information to bear on these disparities so that the health of these groups is enhanced.

Strategic Goals

AHRQ has enunciated three strategic goals which will contribute to improving the quality of health care for all Americans. These goals are to (1) support improvements in health outcomes; (2) strengthen quality measurement and improvement; and (3) identify strategies to improve access, foster appropriate use, and reduce unnecessary expenditures. This Initiative would focus on the first and third.

(1) Support Improvements in Health Outcomes

The field of health outcomes research studies the end results of the structure and processes of health care on the health and well-being of patients and populations. (Institute of Medicine, 1996.) A unique characteristic of this research is the incorporation of the consumer's or patient's perspective in the assessment of effectiveness. Policymakers in the public and private sectors are also concerned with the end results of their investments in health care, whether at the individual, community, or population level.

A high priority for AHRQ's outcomes research will be conditions that are common, expensive, and/or for which significant variations in subpopulations, practice or opportunities for improvement have been demonstrated. Also of importance for research will be the type of delivery system or processes by which care is provided and their effects on outcomes, as well as, research on clinical preventive services that lead to the prevention of premature death and disability in the United States.

The outcomes and effectiveness research program grew out of the awareness of significant unexplained variations in clinical practice and the inadequacy of scientific evidence to support many common treatments and procedures. Outcomes and effectiveness research encompasses three main areas of emphasis for the prevention, diagnosis, treatment, and management of illness: (1) Determination of the clinical interventions that are most effective, cost effective, and appropriate; (2) development of methods and data to advance effectiveness research; and (3) dissemination and evaluation of the impact of research findings on clinical practice and outcomes. Other distinctive characteristics of outcomes and effectiveness research include its multi-disciplinary nature; use of a variety of research designs (*e.g.,* observational studies, prospective trials, databases studies) and analytical methods (*e.g.,* decision analysis, utility analysis, and cost-effectiveness analysis); incorporation of both objective and subjective measures of outcomes; and emphasis on policy relevance.

(3) Identify Strategies To Improve Access, Foster Appropriate Use, and Reduce Unnecessary Expenditures.

Adequate access to health care services continues to be a challenge for many Americans. This is particularly so for the poor, the uninsured, members of minority groups, rural residents, and other vulnerable populations. In addition, the changing organization and financing of care has raised new questions about access to a range of health services, including emergency and specialty care. At the same time, examples of inappropriate use of care, including overutilization and misuse of services, continue to be documented.

The increasing portion of our Nation's resources devoted to health care expenditures remains a concern, with some indicators suggesting that the rate of increase may accelerate once again. The continued growth in public spending for Medicare and Medicaid, in particular, raises important questions about the care delivered to the elderly, poor, and people with disabilities. Together, these factors require concerted attention to the determinants of access, use, and expenditures as well as effective strategies to improve access, contain costs, and assure appropriate and timely use of effective services.

Dated: February 15, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–4530 Filed 2–22–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH), of the Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2003.

For information, contact Kathleen Rest, Ph.D., Executive Secretary, Board of Scientific Counselors, National Institute for Occupational Safety and Health, 200 Independence Ave., SW., Room 715H, Washington, DC 20201—telephone 202/401–3735 or fax 202/260–4464.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 15, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4474 Filed 2–22–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee.

Times and Date: 1 p.m.–4:45 p.m., March 13, 2001 9 a.m.–5 p.m. March 14, 2001.

Place: The Crowne Plaza Hotel, 1325 Virginia Ave, Atlanta, Georgia. Telephone: (404) 768–6660.

Status: Open to the public limited only by the space available.

Purpose: This committee is charged with providing advice and guidance to the Secretary, and the Director of CDC, regarding the need for early detection and control of breast and cervical cancer and to evaluate the Department's current breast and cervical cancer early detection and control activities.

Matters To Be Discussed: The discussion will primarily focus on the role of the CDC in Comprehensive Cancer Control.

Members of the public who wish to make a brief oral presentation at the meeting should contact Ms. Tamikio Bohler (770–488–3199) or Ms. Regina Seider (770/488–3078) by 4:00 p.m. on March 1, 2001, to have time reserved on the agenda. Each individual or group making an oral presentation will be limited to 5 minutes. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 25 copies of the presentation and 25 copies of the visual aids used at the meeting are to be given to Ms. Bohler no later than the time of the presentation for distribution to the Committee and the interested public.

Contact Person for Additional Information: Tamikio Bohler, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–64, Atlanta, Georgia 30341–3724, telephone 770/488–3199.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 16, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–4472 Filed 2–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; The National Institute on Deafness and Other Communication Disorders Health Information Customer Satisfaction Survey

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Deafness and Other Communication Disorders (NIDCD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: NIDCD Health Information Customer Satisfaction Survey. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The NIDCD was established in 1988 to conduct and support biomedical and behavioral research and research training in the normal and disordered processes of hearing, balance, smell, taste, voice, speech, and language. In support of its mission, the Institute disseminates health education and information material related to deafness and other communication disorders to health professionals, patients, people in industry, and the public. The NIDCD will conduct a survey to evaluate the efficacy of its health messages and the effectiveness of disseminating health-related information materials through the NIDCD Information Clearinghouse. The proposed survey is expected to yield data that will assist with measuring the effectiveness and efficiency of the NIDCD health education outreach efforts by collecting and then tracking data about the users of the health information. *Frequency of Response:* On occasion. *Affected Public:* Individuals or households; businesses or other for-profit; not-for-profit institutions; State, Local, or Tribal; Federal Government. *Type of Respondents:* Patients and relatives of patients, general public, physicians and other professionals. The annual reporting burden is as follows: *Estimated Number of Respondents:* 1,000; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* .0668; and *Estimated Total Annual Burden Hours Requested:* 668. An estimate of annualized cost to respondents for the hour burden for this information collection is presented in the table below. There are no direct costs to the respondents themselves but the cost to them may be calculated in terms of the costs of their time spent in responding to the questions. The estimated annualized cost to respondents would be: $12,859.00. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies

are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The Accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriated automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Marin Allen, Chief, Office of Health Communication and Public Liaison (OHCPL), or Shirley LaBella, Deputy Chief, OHCPL, OD, NIDCD, NIH, Blg. 31, Room 3C–35, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 496–7243 or E-mail your request, including your address to: nidcdinfo@nidcd.nih.gov

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received on or before April 24, 2001.

Dated: February 14, 2001.

W. David Kerr,

Executive Officer, NIDCD.

[FR Doc. 01–4588 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Requested; National Survey of Nonhuman Primate Research Use

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Center for Research Resources (NCRR), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on September 12, 2000, page 55031 and allowed 60-days for public comment. One comment was received from the public. The comment did not address issues with questions in the proposed survey, but expressed dislike of some of the concepts and terminology associated with animal research. No changes were required or made to the survey because of this response. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: National Survey of Nonhuman Primate Research Use. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The National Center for Research Resources (NCRR) seeks to evaluate the support that it provides investigators for scientific research involving nonhuman primates. NCRR wants to ensure that the NIH support structure for nonhuman primate research permits all investigators with meritorious research proposals to have access to scarce animal and specimen resources. NCRR will collect information using an Internet survey. The online survey will be implemented using SSL (Secure Socket Layer) encryption technology and password access. NCRR will use first-class mail and e-mail messages to advise investigators that they have been selected to participate in the survey. *Frequency of Response:* One time survey. *Affected Public:* Not-for-profit institutions. *Type of Respondents:* NIH-supported investigators. The annual reporting burden is as follows: *Estimated Number of Respondents:* 878; *Estimated Number of Responses per Respondent:* 1; *Estimated Burden Hours Per Response:* .30; *Estimated Total Annual Burden Hours:* 439; The annualized cost to respondents is estimated at $178,588. There are no Capital Cost, Operating Cost and/or Maintenance Costs to report.

Requests for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed information collection; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Patricia Newman, Program Analyst, NCRR Office of Science Policy and Public Liaison, 6705 Rockledge Drive, Suite 5046, Bethesda, MD 20892–7965, or call non-toll-free number (301) 435–0866 or E-mail your request, including your address to: *PattyV@ncrr.nih.gov*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before March 26, 2001.

Dated: February 16, 2001.

Louise E. Ramm,

Deputy Director, NCRR.

[FR Doc. 01–4457 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel, NCCAM SEP C–10.

Date: March 8, 2001.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6707 Democracy Boulevard, Building II, Room 106, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence R. Haller, National Center for Complementary and Alternative Medicine, National Institutes of Health, 31 Center Drive, Room 5B50, Bethesda, MD 20892–2182, (301) 402–9011, lh194t@nih.gov.

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4442 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. ZHL1–PPG–O–M1/Inflamation, Airways Reactivity and Asthma Applications.

Date: March 7, 2001.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: David T. George, MD, PhD, Scientific Review Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Building II, Room 7188, 6701 Rockledge Drive, MD 20892–7924, 301/435–0288.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4440 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Hear, Lung, and Blood Institute Special Emphasis Panel. ZHL–1–CSR–J–M4, Reference Laboratory to Evaluate therapies for SCD Applications.

Date: March 15, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge II, Bethesda, MD 20892; (Telephone Conference Call).

Contact Person: Robert B. Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301/435–3541.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4452 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. ZHL1 CSR–J M2 R Sibling Donor Cord Blood Banking And Transplantation Applications.

Date: March 13, 2001.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Dr. II, NIH, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert B Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301/435–3541.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4453 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel. PA–99–087—Mentored Quantitative Research Career Development Award (K25).

Date: February 15, 2001.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Dr., Rm. 4116, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Diane M. Reid, MD, Review Branch, Room 7182, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4462 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Nursing Research Special Emphasis Panel, February 22, 2001, 8:00 a.m. to February 23, 2001, 5:00 p.m., Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852, which was published in the **Federal Register** on January 26, 2001, 66 FR 7921.

The meeting will be held March 22–23, 2001 at the Holiday Inn Bethesda, 8120 Wisconsin Ave., Maryland Room, Bethesda, MD 20892. The meeting is closed to the public.

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4443 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Special Emphasis Panel.

Date: March 2, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group, Biomedical Research Review Subcommittee.

Date: March 8–9, 2001.

Time: March 8, 2001, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, Delaware Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: L. Tony Beck, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0931, lbeck@mail.nihg.gov.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 9, 2001.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: L. Tony Beck, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0931, lbeck@mail.nihg.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4444 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy:

Name of Committee: Minority Programs Review Committee, MARC Review Subcommittee A.

Date: February 20–21, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, The Delaware Room, Bethesda, MD 20814.

Contact Person: Richard I. Martinez, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes

of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4445 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 12, 2001.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Henry J. Haigler, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301/443–7216.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 15–16, 2001.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 20, 2001.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4446 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: March 14–15, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A. Sesma, PhD, Scientific Review Administrator, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4448 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 9, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge Drive, Room 2103, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Anna Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, ar15o@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4451 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Acquired Immunodeficiency Syndrome Research Review Committee.

Date: March 8–9, 2001.

Open: March 8, 2001, 8:30 a.m. to 9 a.m.

Agenda: Open for discussion of administrative details relating to committee business and program review.

Place: Holiday Inn Georgetown, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Closed: March 8, 2001, 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, Fortune Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Roberta Binder, PhD, Scientific Review Administrator, Division of Extramural Activities, NIAID, 6700B Rockledge Drive, Rm 2155, Bethesda, MD 20892, 301–496–7966, rb169n@nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 14, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4454 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel. To study the effects of aging and the cancer treatment drugs on cognition in elderly women.

Date: February 12, 2001.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Initial Review Group, Biological Aging Review Committee.

Date: March 5–6, 2001.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel, INCHANTI FOLLOW-UP STUDY.

Date: March 6, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 7, 2001.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Behavior and Social Science of Aging Review Committee.

Date: March 8, 2001.

Time: 8:30 a.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Mary Ann Ann Guadagno, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel, Supplement to B-Vitamin Atherosclerosis Intervention Trial, PI; Howard Hodis.

Date: March 8, 2001.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Health Scientific Administrator, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group, Clinical Aging Review Committee.

Date: March 8–9, 2001.

Time: 7 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: William A. Kachadorian, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 19, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Jeffrey M. Chernak, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group. Neuroscience of Aging Review Committee.
Date: March 21–22, 2001.
Time: 7:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Louise L. Hsu, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4461 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 14, 2001.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Woodfin Suites Hotel, Conference Room, 1380 Piccard Drive, Rockville, MD 20850.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 19, 2001.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

Name of Committee: National Institutue of Mental Health Special Emphasis Panel.
Date: March 20, 2001.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892–9606 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 21, 2001.
Time: 8 am to 5 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8210 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Houmam H Araj, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: March 29, 2001.
Time: 11 a.m. to 1:30 p.m
Agenda: To review an evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, Md 20892–9606, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.
Date: April 6, 2001.
Time: 9 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6206, MSC 9619, Bethesda, MD 20892–9619, 301–443–7281.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4463 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel Telephone Conference, ''A History of Medicine—Volume–IV Medieval Medicine.''
Date: February 21, 2001.
Time: 2:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Milton Corn, MD, Associate Director, Office of Extramural Programs, National Library of Medicine, National Institutes of Health, One Rockledge Centre, Suite 301, 6705 Rockledge Drive, MSC 6075, Bethesda, MD 20892–6075, (301) 496–4621.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4459 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the PubMed Central National Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: PubMed Central National Advisory Committee.

Date: March 21, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: Review of Redesignated PMC System.

Place: National Library of Medicine, Board Room, Bldg. 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: David J. Lipman, MD, Director, Natl. Ctr. for Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4460 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Meeting of the Recombinant DNA Advisory Committee

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee (RAC) and a Safety Symposium on Gene Transfer Research.

The Safety Symposium on Gene Transfer Research will be held from 8 a.m. to 6 p.m. on March 7, 2001 at the Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852. The symposium will explore safety considerations in the Use of Adeno-Associated Virus Vectors in Gene Transfer Clinical Trials.

The RAC meeting will be held from 8:30 a.m. to 5:30 p.m. on March 8, 2001 at the National Institutes of Health (NIH), Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892. The Committee will review selected human gene transfer protocols; a proposed action to amend the NIH Guidelines with regard to NIH policy on serious adverse event reporting; data management activities related to human gene transfer clinical trials; and other matters to be considered by the Committee.

Both meetings are open to the public with attendance limited to space available. Draft meeting agendas and other information will be posted at the Office of Biotechnology Activities' website: *http://www4.od.nih.gov/oba*

Individuals who wish to provide public comments or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Kelly Fennington, Program Analyst, Office of Biotechnology Activities by telephone at 301 496–9838 or E-mail at *FenningK@od.nih.gov*

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4455 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 28, 2001.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20892, 301–435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2001.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 6, 2001.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bill Bunnag, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5124, MSC 7854, Bethesda, MD 20892–7854, (301) 435–1177, bunnagb@csr.nih.gov.

Name of Committee: Pathophysiological Sciences Integrated Review Group, Respiratory and Applied Physiology Study Section.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street NW., Washington, DC 20037.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hampshire Hotel, 1310 New Hampshire Ave, NW., Washington, DC 20036.

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435–1184.

Name of Committee: Center for Scientific Review Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evalaute grant applications.

Place: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, 301–435–3566, cooperc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Gloria B. Levin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, leving@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Thomas A. Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7848, Bethesda, MD 20892, (301) 435–0692, tathamt@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town Alexandria, VA 22314.

Contact Person: Yvette M. Davis, VMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–0906.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 10:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Oxman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7848, Bethesda, MD 20892, 301/435–3565, oxmann@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8–9, 2001.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Quality Hotel, Courthouse Plaza, 1200 North Courthouse Road, Arlington, VA 22201.

Contact Person: Nancy Shinowara, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, shinowan@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Everett E. Sinnett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 8, 2001.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Virginian Suites, 1500 Arlington Blvd., Arlington, VA 22209.

Contact Person: Nancy Hicks, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–0695.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 9, 2001.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 15, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4441 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biochemical Sciences Integrated Review Group, Physiological Chemistry Study Section.
Date: February 22–23, 2001.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.
Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20892, 301–435–3504, fungv@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 11–13, 2001.
Time: 6:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Rockville Courtyard by Marriott, 2500 Research Boulevard, Rockville, MD 20850.
Contact Person: Mushtaq A. Khan, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, (301) 435–1778, khanm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 12–13, 2001.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.
Contact Person: Sharon K. Pulfer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 12, 2001.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 12, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20853.
Contact Person: Debora L. Hamernik, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892, 301–435–4511, hamernid@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 12, 2001.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 13, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, Washington, DC 20037.
Contact Person: Charles N. Rafferty, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, Bethesda, MD 20892, (301) 435–3562.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 13, 2001.
Time: 12:00 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 14, 2001.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Hematology Subcommittee 2.
Date: March 14–15, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jerrold Fried, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892–7802, 301–435–1777, friedj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 14–15, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 100 29th St., NW., Washington, DC 20007.
Contact Person: Clare K. Schmitt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148, schmittc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 14, 2001.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 14, 2001.
Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435–1146.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 14, 2001.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul Wagner, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7840, Bethesda, MD 20892, (301) 435–6809.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 16, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4449 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Reproductive Biology Study Section, February 26, 2001, 8:30 am to February 27, 2001, 5:00 pm, Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852 which was published in the **Federal Register** on February 13, 2001, 66 FR 10031–10034.

The meeting will be held at the Hyatt Regency Hotel in Bethesda. The dates and time remain the same. The meeting is closed to the public.

Dated: February 16, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4450 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 28, 2001.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2001.

Time: 1:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, (301) 435–1022, ehrenspg@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2001.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele C. Hindi-Alexander, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188 MSC 7848, Bethesda, MD 20892, 301–435–3554.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2001.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892 (301) 435–1261.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Experimental Cardiovascular Sciences Study Section.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Sharon K. Pulfer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW., Washignton, DC 20036.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892 (301) 435–1249.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–6, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5118, Bethesda, MD 20892, (301) 435–1259, orrt@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 5–7, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Jerry L. Klein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, Bethesda, MD 20892, (301) 435–1213.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 5–6, 2001.
Time: 8:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 5–6, 2001.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: River Inn, 924 25th Street, NW., Washington, DC 20037.
Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 5, 2001.
Time: 11:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 5, 2001.
Time: 2:00 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, amirs@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6–7, 2001.
Time: 8:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Suites, 285 North Palm Canyon Drive, Palm Springs, CA 92262.
Contact Person: Randall J. Owens, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5102, MSC 7852, Bethesda, MD 20892, 301–435–1506.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6–7, 2001.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.
Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435–1783, sharmag@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group Virology Study Section.
Date: March 6–7, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.
Contact Person: Rita Anand, PhD, Scientific Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151, anandr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 10:30 a.m. to 11:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Russell T. Dowell, PhD, Scientific Review, Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7818, Bethesda, MD 20892, (301) 435–1169, dowellr@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Alexander D. Politis, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 1:30 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Sally Ann Amero, PhD., Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, 6701 Rockledge Drive, Room 2206, MSC7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Abubakar A. Shaikh, DVM, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 435–1042, shaikha@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 2:00 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Sherry L. Dupere, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 4:30 p.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Lawrence N. Yager, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, 301–435–0903, yagerl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 12:00 p.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Westin Francis Marion Hotel, 387 King Street, Charleston, SC 29402 (Telephone Conference Call).
Contact Person: Anita Miller Sostek, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 6, 2001.
Time: 12:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele C. Hindi-Alexander, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7848, Bethesda, MD 20892, 301–435–3554.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 7, 2001.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435–0912, levinv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 7, 2001.
Time: 1:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 7–9, 2001.
Time: 7:00 p.m. to 10:00 a.m.
Agenda: To review and evaluate grant applications.
Place: Copley Marriott, 110 Huntington Avenue, Boston, MA 02116.
Contact Person: Marjam G. Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, Bethesda, MD 20892, (301) 435–1180.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 13, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–4458 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 65 FR 38848, June 22, 2000, and redesignated from Part HN as Part N at 60 FR 56606, November 9, 1995) is amended as set forth below to reflect the establishment of the Office of the Ombudsman/Center for Cooperative Resolution within the Office of the Director, NIH.

Section N–B, Organization and Functions, under the heading Office of the Director (NA, formerly HNA) is amended by inserting immediately after the paragraph for the Office of Bioengineering and Bioimaging (HNAC) the following:

Office of the Ombudsman/Center for Cooperative Resolution (NAS, formerly HNAS). (1) Provides overall leadership, direction, and oversight on alternative dispute resolution (ADR) policies, programs, and activities at NIH; (2) acts as the focal point for information and activity relating to conflict management and ADR; (3) advises the NIH Director and staff on matters relating to dispute resolution and conflict management, generally, and to the specific application of ADR throughout NIH; (4) assists managers and employees in a confidential, informal, impartial, and independent way in resolving work-related issues and disputes, including receiving and inquiring into workplace disputes brought to the Ombudsman by any NIH staff member, initiating independent inquiries, identifying and analyzing systemic issues that foster workplace disputes, and making recommendations to the appropriate responsible agency official(s) for changes in policies and procedures; (5) develops and implements ADR policies and procedures and administers ADR programs to facilitate the resolution of workplace disputes; (6) develops and provides conflict prevention services including training and education; and (7) works cooperatively and collaborates with NIH components that administer formal dispute resolution mechanisms.

Delegations of Authority Statement

All delegations and redelegations of authority to offices and employees of NIH that were in effect immediately prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect, pending further redelegation.

Dated: February 13, 2001.

Ruth L. Kirschstein,

Acting Director, National Institutes of Health.

[FR Doc. 01–4456 Filed 2–22–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–023–01–1310–MQ–026L–241A]

Call for Nominations for National Petroleum Reserve—Alaska Research and Monitoring Advisory Team

SUMMARY: The purpose of this notice is to solicit public nominations for the Bureau of Land Management's National Petroleum Reserve—Alaska (NPR–A) Research and Monitoring Advisory Team (RMT). The RMT will provide advice and recommendations to the BLM's Northern Field Office Manager on issues pertaining to the adequacy and appropriateness of mitigative stipulations established in the Northeast NPR–A Integrated Activity Plan/Environment Impact Statement, Record of Decision (ROD), 1998.

The ROD directs the BLM to charter the RMT in accordance with the Federal Advisory Committee Act, which requires that membership to the RMT be designed to achieve balanced representation of the various interests relevant to surface resource protection in the NPR–A. The Secretary of the Interior will appoint representatives to the RMT from federal, state and North Slope Borough agencies; oil & gas or related industry; nationally or regionally recognized environmental or resource conservation organizations; academicians employed in natural resource management or the natural sciences; and the public at large. Appointees will serve three-year terms. Members will serve without salary, but will be reimbursed travel expenses according to government travel regulations.

This notice is a call for nominations from the nongovernment categories listed above. One member will be selected from each of four categories:

1—oil & gas or related industry;
2—nationally or regionally recognized environmental or resource conservation organizations;
3—academicians employed in natural resource management or the natural sciences; and
4—the public at large.

Individuals may nominate themselves or others. Nominees will be evaluated on their demonstrated professional or personal qualifications and expertise, such as in arctic biology and the scientific process, relevant to the functions and tasks to be performed by the RMT. Nominees should have a demonstrated commitment to collaborative decisionmaking. All nominations must be accompanied by

letters of reference from represented interests or organizations, and any other information relevant to the nominee's qualifications.

Closing Date: Nominations must be sent to Herb Brownell at the address listed below, postmarked on or before March 28, 2001.

Nomination Form: May be obtained from BLM's Northern Field Office website at http://aurora.ak.blm.gov/npra or by contacting Herb Brownell, Tel: 907–474–2333, 1–800–437–7021; or email at Herb_Brownell@ak.blm.gov.

FOR FURTHER INFORMATION CONTACT: Herb Brownell, Bureau of Land Management, Northern Field Office, 1150 University Avenue, Fairbanks, AK 99709–3844; tel: 907–474–2333.

Dated: February 13, 2001.

Robert W. Schneider,

Manager, Northern Field Office.

[FR Doc. 01–4437 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–JA–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–070–99–5101–00; J–608; UTU–77149, UTU–77164, UTU–78301, FERC Doc. No. CP00–68–000]

San Juan County, NM; La Plata, Montezuma, Dolores, and San Miguel Counties, CO; and San Juan, Grand, Emery, Carbon, Sanpete, Utah, Juab and Salt Lake Counties, UT; Draft EIS for a Refined Petroleum Products Pipeline, Natural Gas Pipelines and Utility Corridor Analysis and Plan Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, a Draft Environmental Impact Statement (DEIS) has been prepared by the Bureau of Land Management (BLM), Utah State Office. The DEIS was prepared to analyze the impacts of proposed transportation of refined petroleum products and natural gas through pipelines located on public lands administered by BLM, National Forest System lands and State and private lands in northwest New Mexico, southwest Colorado, and southeast to north-central Utah. In addition, the draft EIS analyzes utility corridors across the Manti-LaSal and Uinta National Forests which may or may not expand the existing designated corridors and/or identify other corridors. This analysis may result in Forest Plan amendments to the Manti-LaSal and Uinta National Forest Land and Resource Management Plans. The Federal Energy Regulatory Commission (FERC) and United States Forest Service, Manti-LaSal, San Juan and Uinta National Forests, are Cooperating Agencies in accordance with Title 40, Code of Federal Regulations, Section 1501.6. Public reading copies of the DEIS will be available for review at the following locations:

- Salt Lake City, Utah—209 East 500 South
- West Valley City, Utah—2880 West 3650 South
- Payson, Utah—439 West Utah Ave
- Nephi, Utah—22 East 100 North
- Price, Utah—159 East Main
- Moab, Utah—Grand Co. Library, 25 South 100 East
- Durango, Colorado—Durango Public Library, 1188 Second Avenue
- Dolores, Colorado—Dolores Public Library, PO Box 847, Dolores, CO
- Farmington, New Mexico—Farmington Public Library, 100 West Broadway.

In addition, a limited number of copies of the document will be available at the following BLM and Forest Service Offices:

- Bureau of Land Management, Utah State Office, 324 South State, Salt Lake City, Utah
- Uinta National Forest, 88 West 100 North, Provo, Utah
- Filmore Field Office, 35 East 500 North, Filmore, Utah
- Bureau of Land Management, Price Field Office, 125 South, 600 West, Price, Utah
- Manti La-Sal National Forest, 599 West Price River Drive, Price, Utah
- Bureau of Land Management, Moab Field Office, 82 East Dogwood Road, Moab, Utah
- Bureau of Land Management, Monticello Field Office, 435 North Main Street, Monticello, Utah
- Bureau of Land Management, Durango Field Office, 15 Burnett Court, Durango, Colorado
- San Juan National Forest, 100 North Sixth Street, Dolores, Colorado
- Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway.

DATES: Written comments must be post marked on or before April 16, 2001, or *45 days after date of publication in the Federal Register,* whichever is later.

Public meetings will be held at the following locations and dates:

- March 14, 2001, West Valley City, Family Fitness Center, Community Room A, 5415 West, 3100 South, West Valley City, Utah
- March 19, 2001, Senior Citizens Center, 450 East, 100 North, Moab, Utah
- March 20, 2001, Double Tree Inn, 501 Camino Del Rio, Durango, Colorado, and Anasazi Heritage Center, 27501 Highway 184, Delores, Colorado
- March 22, 2001, Farmington Civic Center, (Room B) 200 West Arrington, Farmington, New Mexico
- March 27, 2001, Juab County High School, 802 North 650 East, Nephi, Utah
- March 28, 2001, Payson City Hall, 439 West Utah Ave, Payson, Utah
- March 29, 2001, Association of Governments and Small Business Development Center, 375 South Carbon Ave., Price, Utah

All meetings will begin at 7:00 pm. BLM reserves the right to limit presentations based on public attendance. Only written comments will be made part of the official record. Written comments may be submitted at the meetings or may be mailed to the address below prior to the end of the comment period.

Comments, including names and street addresses of respondents will be available for public review at the BLM Utah State Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the final EIS and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, will be made available for public inspection in their entirety.

ADDRESSES: Written comments should be sent to LaVerne Steah, Project Manager, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145–0155 or at the project website: QWK–EIS.ORG. Copies of the DEIS can be obtained through the project web site, or by written request to the above address (hard copy or CD). An executive summary including maps will be mailed to all individuals and organizations on the project mailing list.

FOR FURTHER INFORMATION Please contact Ms. LaVerne Steah at the above address or phone: (801) 539–4114 or e-mail: LaVerne_steah@ut.blm.gov.

SUPPLEMENTARY INFORMATION: Three proponents (Williams Pipeline Company, Questar Pipeline Company and Kerne River Gas Transmission Company) filed right-of-way

applications with the Bureau of Land Management in 1998 and 1999 to construct and operate petroleum products and natural gas pipelines and ancillary facilities on public lands administered by the Bureau of Land Management, National Forest System Lands administered by the United States Forest Service (USFS), and private and state owned lands in the states of New Mexico, Colorado, and Utah. The three projects are independent of each other (each project could be constructed and operated regardless of whether the other two projects are approved). The three projects were analyzed together because they would share common utility corridors across the Manti-LaSal and Uinta National Forests and would cause cumulative impacts.

The BLM and the USFS examined alternative natural gas and petroleum transportation methods and several alternative pipeline route segments to address concerns about (1) potential petroleum products leaks and spill effects on natural resources, water and people; (2) natural gas leaks and failure effects on natural resources and people, and; (3) effects on the character of USFS inventoried roadless and unroaded areas. Two major (30 miles or longer) route alternatives, and two short (5 miles or less) route variations were carried forward in the analysis in addition to the proposed action and the no action alternative. Also, as part of the proposed action is a proposal to amend one or more forest plans following the 1982 regulations (36 CFR, part 219). Public scoping for these projects was completed in two phases. An Initial Notice of Intent to prepare an EIS for these projects was published in the **Federal Register** on April 28, 1999. Nine public meetings were held in Colorado and Utah. An amended Notice of Intent was published on April 19, 2000, as a result of a change in the project scope. This established a new public scoping period between April 19, 2000 and June 9, 2000, during which two additional scoping meetings were held in Utah.

Dated: February 12, 2001.

Sally Wisely,

Utah State Director.

[FR Doc. 01–4467 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–PH; GP01–0104]

Eastern Washington Advisory Council; Meeting

AGENCY: Bureau of Land Management, Spokane District.

ACTION: Notice of the meeting of the Eastern Washington Advisory Council; March 22, 2001, in Spokane, Washington.

SUMMARY: A meeting of the Eastern Washington Resource Advisory Council will be held on March 22, 2001. The meeting will convene at 9 a.m., at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington 99212–1275. The meeting will adjourn upon conclusion of business, but no later than 4 p.m. Public comments will be heard from 10 a.m. until 10:30 a.m. If necessary, to accommodate all wishing to make public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. Topics to be discussed include Election of Chair, Interior Columbia Basin Ecosystem Management Project Status Report, BLM Work Plan for FY 2001, BLM/Forest Service Fire Program, Charter Renewal and Next Meeting Scheduling.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington 99212; or call 509–536–1200.

Dated: February 14, 2001.

Joseph K. Buesing,

District Manager.

[FR Doc. 01–4466 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Minerals Management Advisory Board, Outer Continental Shelf (OCS), Scientific Committee (SC)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of vacancies and request for nominations.

SUMMARY: The MMS is seeking interested and qualified individuals to serve on its Minerals Management Advisory Board OCS SC during the period of October 1, 2001, through September 30, 2003. The initial 2-year term may be renewable for up to an additional 4 years. The OCS SC is chartered under the Federal Advisory Committee Act to advise the Director of the MMS on the appropriateness, feasibility, and scientific value of the OCS Environmental Studies Program (ESP) and environmental aspects of the offshore oil and gas program. The ESP, which was authorized by the OCS Lands Act as amended (Section 20), is administered by the MMS and covers a wide range of field and laboratory studies in biology, chemistry, and physical oceanography, as well as studies of the social and economic impacts of OCS oil and gas development. Currently, the work is conducted through award of competitive contracts and interagency and cooperative agreements. The OCS SC reviews the relevance of the information being produced by the ESP and may recommend changes in its scope, direction, and emphasis. The OCS SC comprises distinguished scientists in appropriate disciplines of the biological, physical, chemical, and socieoeconomic sciences. Vacancies, which need to be filled, exist in the biological, physical oceanography, and a new requirement, offshore sand and gravel mining disciplines. The selection is based on maintaining disciplinary expertise in all areas of research, as well as geographic balance. Demonstrated knowledge of the scientific issues related to OCS oil and gas development is essential. Selection is made by the Department of the Interior on the basis of these factors; appointments to the Committee are made by the Secretary of the Interior. For more information regarding the Committee, please visit our website at http://www.mms.gov/mmab/ocssc.htm.

Interested individuals should send a letter of interest and resume within 60 days to: Julie Reynolds, Program Planner, Minerals Management Service, 381 Elden Street, Mail Stop 4001, Herndon, Virginia 20170. She may be reached by telephone on (703) 787–1211, or e-mailed at Julie.Reynolds@mms.gov.

Dated: February 16, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01–4501 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

National Park Service

Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission Notice of Meeting Cancellation

Notice is hereby given in accordance with the Federal Advisory Committee Act that the meeting of the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission previously scheduled for Tuesday, February 27, 2001 in San Francisco, California will be cancelled.

The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties. Members of the Commission are as follows:

Mr. Richard Bartke, Chairman
Ms. Susan Giacomini Allan
Mr. Michael Alexander
Ms. Lennie Roberts
Mr. Fred Rodriguez
Mr. Redmond Kernan
Mr. Gordon Bennett
Mr. John J. Spring
Mr. Doug Nadeau
Ms. Amy Meyer, Vice Chair
Mr. Douglas Siden
Mr. Dennis J. Rodoni
Ms. Yvonne Lee
Mr. Trent Orr
Ms. Betsey Cutler
Ms. Anna-Marie Booth
Dr. Edgar Wayburn

Dated: February 8, 2001.

Mary Gibson Scott,

Acting General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 01–4308 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 10, 2001. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 12, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

ALASKA
Nome Borough-Census Area:
Swanberg Dredge, Mi. 1 Nome-Council Hwy., Nome, 01000232
COLORADO
Alamosa County:
Denver and Rio Grande Railroad Locomotive No. 169, Along Chamber Dr. within Cole Park, Alamosa, 01000230
KANSAS
Sedgwick County:
Nokomis and Navarre Apartment Buildings, 420–426 N. Topeka Ave., Wichita, 01000234
Virginia Apartment Building, 401–405 E. Third St., Wichita, 01000233
MISSOURI
Callaway County
Pitcher Store, 8513 Pitcher Rd., Fulton, 01000235
NEW JERSEY
Bergen County
Hardenburgh Avenue Bridge, Hardenburgh Avenue over the Tenakill Brook, Demarest Borough, 01000237
Salem County:
Hedge—Carpenter—Thompson Historic District, Bounded by Hedge, Thompson, South Third Sts. and Oak St. Alley, Salem City, 01000236
NEW YORK
Albany County:
Blaisdell, Fletcher, Farm Complex, Westerlo St., Coeymans, 01000246
Hook and Ladder No. 4, Delaware Ave., Albany, 01000247
Bronx County:
Casa Amadeo, Antigua Casa Henandez, 786 Prospect Ave., Bronx, 01000244
Delaware County:
Christian Church, NY 10, East Delhi, 01000250
Dundas Castle, Berry Brook Rd., Roscoe, 01000245
Greene County:
Tripp House and Store Complex, NY 81, Durham, 01000240
Kings County:
Cuyler Presbyterian Church, 358–360 Pacific St., Brooklyn, 01000253
Lewis County:
Martinsburg Town Hall, NY 26 Main St., E, Martinsburg, 01000241
New York County:
Father Francis D. Duffy Statue and Duffy Square, Triangle bounded by Broadway, Seventh Ave., W. 47th. and W. 46th St., New York, 01000243
Orange County:
Stone, Gen. John Hathorn, House, Hathorn Rd., Warwick, 01000252
Queens County:
Bohemian Hall and Park, 29–19 24th Ave., Astoria, 01000239
Rockland County:
St. Paul's United Methodist Church, S. Broadway and Division St., Nyack, 01000251
Steuben County:
District School Number Five, 9436 Dry Run Rd., Campbell, 01000242
Tioga County:
McCarty, John W., House, 118 Main St., Candor, 01000249
Ulster County:
Opus 40, Fite Rd., Saugerties, 01000238
Savage, Augusta, House and Studio, 189 Old Rte. 32, Saugerties, 01000248
NORTH CAROLINA
Watauga County:
Vardell Family Cottages Historic District, 222 Grandfather Ave, 137, 187, 209 Chestnut Circle, Blowing Rock, 01000254
TENNESSEE
Humphreys County:
Johnsonville Historic District, (Civil War Historic and Historic Archeological Resources in Tennessee MPS) Old Johnsonville Rd., Denver, 01000257
Loudon County:
Craigs Chapel AME Zion Church, (Rural African-American Churches in Tennessee MPS) Craigs Chapel Rd., Greenback, 01000256
Roane County:
Tennessee Highway Patrol Building, Jct. of Kingston Ave. and Nelson St., Rockwood, 01000255
TEXAS
Goliad County:
Goliad State Park Historic District, US 183 at San Antonio River, Goliad, 01000258
VERMONT
Franklin County:
St. Ann's Episcopal Church, (Religious Buildings, Sites and Structures in Vermont MPS) Jct. of Church and Town Sts., Richford, 01000259
VIRGINIA
Prince William County:
Quantico Marine Corps Base Historic District, Marine Corps Base Quantico, Quantico, 01000260
WEST VIRGINIA
Cabell County:
Mortimer Place Historic District, Bounded by an alley, 10th St., 12th Ave., and 11th St., Huntington,

01000266
Prichard House, 500 Twelfth, Huntington, 01000261
Fayette County:
Hughart, Dr. John, House, Off WV 41, Landisburg, 01000262
Hancock County:
Marshall House, 1008, Ridge Ave., 01000263
Hardy County:
VanMeter, Garrett, House, Off Reynolds Gap Rd., Old Fields, 01000264
Harrison County:
Quiet Dell School, Off WV 20 on Cty Rte 20/79, Mount Clare, 01000265
Reynolds Farm, Off US 19, Clarksburg, 01000269
Monongalia County:
Willey Law Offices, 178 Chancery Row, Morgantown, 01000267
Monroe County:
Maple Lawn, Cty Rte 219–23, Peterstown, 01000268
WYOMING
Natrona County:
Bishop House, 818 E. Second St., Casper, 01000270
A request for REMOVAL has been made for the following resources:
VIRGINIA
Amherst County:
Athlone, Jct. Of VA 151 and VA 674, Amherst, 92001029
Botetourt County:
Springwood Truss Bridge, VA 630 over James River, Springwood, 78003009
Brunswick County:
Bentfield, SW of Lawrenceville off US 58 and VA 656, Lawrenceville vicinity, 74002109
Loudoun County:
Exeter, E of Leesburg on Edwards Ferry Rd., Leesburg vicinity, 73002032
Lynchburg (Independent City):
Hayes Hall, Dewitt St. and Garfield Ave., Lynchburg (Independent City), 79003284
Mecklenburg County:
Moss Tobacco Factory, Main and 7th Sts., Clarksville, 79003054
Montgomery County:
Bridge over North Fork of Roanoke River, (Montgomery County MPS), S of jct. Of VA 637 and 603 over North Fork of Roanoake River, Ironto vicinity, 89001802
Montgomery White Sulphur Springs Cottage, (Montgomery County MPS), Depot and New Sts., Christiansburg, 89001884
Harrison—Hancock Hardware Company Building, (Montgomery County MPS), 24 E. Main St., Christiansburg, 89001877
Murdock, Elijah, Farm, (Montgomery County MPS), Off VA 643, 1 mi. N of US 460, Yellow Sulphur vicinity, 89001882
Nelson County:
Midway Mill, On the James River at end of VA 743, Midway Mills, 73002042
Norfolk County:
Taylor, Walter Herron, Elementary School, 1410 Claremont Ave., Norfolk vicinity, 98001067
Northampton County:
Caserta, NW of jct.of Rtes. 630 and US 13, Eastville vicinity, 70000816
Westover, VA 630, Eastville vicinity, 82004577
Page County:
Fort Rodes, NW of Luray off VA 615, Luray vicinity, 78003190
Pittsylvania County:
Oak Hill, VA863, Oak Ridge vicinity, 79003068
Pulaski County:
Harvey, Nathaniel Burwell, House, Off VA 812, Dublin vicinity, 86000250,
Richmond County:
Bladensfield, NE of Warsaw off VA 203, Warsaw vicinity, 80004219
Richmond (Independent City):
Manchester Cotton and Wool Manufacturing Co., Hull St. at Mayo's Bridge, Richmond (Independent City), 83003304
Scott-Clarke House, 9 S. 5th St., Richmond (Independent City), 72001524
Roanoke (Independent City):
First Baptist Church, 407 N. Jefferson St., NW, Roanoke (Independent City), 90001840

[FR Doc. 01–4307 Filed 2–22–01; 8:45 am]
BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–413 (Preliminary) and 731–TA–913–918 (Preliminary)]

Stainless Steel Bar From France, Germany, Italy, Korea, Taiwan, and the United Kingdom

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (the Act),[3] that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of stainless steel bar [4] from France, Germany, Italy, Korea, Taiwan, and the United Kingdom that are alleged to be sold in the United States at less than fair value (LTFV).[5]

The Commission also determines,[6] pursuant to section 703(a) of the Act,[7] that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of stainless steel bar from Italy that are alleged to be subsidized by the Government of Italy.[8]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigation under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Dennis M. Devaney not participating.

[3] 19 U.S.C. 1673b(a).

[4] For purposes of these investigations, the term ''stainless steel bar'' includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (i.e., cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip, or plate, wire (i.e., cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

[5] Commissioner Lynn M. Bragg determines that there is a reasonable indication that an industry in the United States is threatened with material injury.

[6] Commissioner Dennis M. Devaney not participating.

[7] 19 U.S.C. 1671b(a).

[8] Commissioner Lynn M. Bragg determines that there is a reasonable indication that an industry in the United States is threatened with material injury.

the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

The Commission instituted these investigations effective December 28, 2000, following receipt of a petition filed with the Commission and the Department of Commerce by Carpenter Technology Corp. (Wyomissing, PA); Crucible Specialty Metals (Syracuse, NY); Electralloy Corp. (Oil City, PA); Empire Specialty Steel, Inc. (Dunkirk, NY); Slater Steels Corp., Specialty Alloys Division (Fort Wayne, IN); and the United Steelworkers of America, AFL–CIO/CLC (Pittsburgh, PA), alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan, and the United Kingdom, that are alleged to be sold in the United States at LTFV, and by reason of imports of stainless steel bar from Italy that are alleged to be subsidized by the Government of Italy. Accordingly, effective December 28, 2000, the Commission instituted countervailing duty investigation No. 701–TA–413 (Preliminary) and antidumping investigations Nos. 731–TA–913–918 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 4, 2001 (66 FR 807). The conference was held in Washington, DC, on January 18, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 12, 2001. The views of the Commission are contained in USITC Publication 3395 (February 2001), entitled Stainless Steel Bar From France, Germany, Italy, Korea, Taiwan, and the United Kingdom: Investigations Nos. 701–TA 413 and 731–TA–913–918 (Preliminary).

Issued: February 13, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4435 Filed 2–22–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–427]

U.S. Market Conditions for Certain Wool Articles

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and request for public comments.

EFFECTIVE DATE: February 12, 2001.

SUMMARY: Following receipt of a request from the United States Trade Representative (USTR) on January 22, 2001, the Commission instituted Investigation No. 332–427, U.S. Market Conditions for Certain Wool Articles, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) to monitor U.S. market conditions for certain wool articles.

FOR FURTHER INFORMATION CONTACT: For general information, contact Kim Freund (202–708–5402; freund@usitc.gov) of the Office of Industries; for information on legal aspects, contact William Gearhart (202–205–3091; wgearhart@usitc.gov) of the Office of the General Counsel. The media should contact Margaret O'Laughlin, Public Affairs Officer (202–205–1819). Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information about the Commission may be obtained by accessing its Internet server (http://www.usitc.gov).

Background

As requested by the USTR, the Commission will provide information on U.S. market conditions, including domestic demand, domestic supply, and domestic production for men's and boys' worsted wool suits, suit-type jackets, and trousers; worsted wool fabric and yarn used in the manufacture of such clothing; and wool fibers used in the manufacture of such fabrics and yarn. Also as requested by the USTR, the Commission will provide, to the extent possible, data on:

(1) Increases or decreases in sales and production of the subject domestically-produced worsted wool fabrics;

(2) Increases or decreases in domestic production and consumption of the subject apparel items;

(3) The ability of domestic producers of the subject worsted wool fabrics to meet the needs of domestic manufacturers of the subject apparel items in terms of quantity and ability to meet market demands for the apparel items;

(4) Sales of the subject worsted wool fabrics lost by domestic manufacturers to imports benefiting from the temporary duty reductions on certain worsted wool fabrics under the tariff-rate quotas (TRQs) provided for in headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States (HTS);

(5) Loss of sales by domestic manufacturers of the subject apparel items related to the inability to purchase adequate supplies of the subject worsted wool fabrics on a cost competitive basis; and

(6) The price per square meter of imports and domestic sales of the subject worsted wool fabrics.

The USTR requested that the Commission submit two ''annual reports'' and an ''interim letter'' under this investigation. The first annual report, providing data for 1999, 2000, and year-to-date 2000–01, was requested by September 17, 2001, and the second annual report, providing data for 2001 and year-to-date 2001–02, was requested by September 16, 2002. In the interim, the USTR requested that the Commission provide by letter (interim letter) the most comprehensive information available on the factors described above for the period from January 1, 1999, to the present. The Commission was requested to submit this interim letter to USTR within 45 days after the U.S. Department of Commerce publishes a notice in the **Federal Register** soliciting requests from U.S. manufacturers of men's and boys' worsted wool suits, suit-type jackets, and trousers to modify the limitations on the quantity of imports of worsted wool fabrics under the TRQs provided for in HTS headings 9902.51.11 and 9902.51.12.USTR requested that the Commission issue public versions of the interim letter and the two annual reports, as soon as possible thereafter, with any business confidential information deleted.

In the request letter, the USTR referred to Title V of the Trade and Development Act of 2000 (the Act),

which was enacted on May 18, 2000, and implemented by Presidential Proclamation 7383 of December 1, 2000. Title V of the Act temporarily reduces tariffs and establishes TRQs on imports of certain worsted wool fabrics. The fabrics concerned are described in HTS headings 9902.51.11 and 9902.51.12—namely, worsted wool fabrics certified by the importer as suitable for use in men's or boys' suits, suit-type jackets, and trousers. The Act authorizes the President to modify the TRQ limits provided for in HTS headings 9902.51.11 and 9902.51.12, which will be in effect for 3 years beginning on January 1, 2001, subject to his consideration of certain U.S. market conditions. In the request letter, the USTR noted that, under section 504 of the Act, the President is required to monitor U.S. market conditions, including domestic demand, domestic supply, and increases in domestic production for men's and boys' worsted wool suits, suit-type jackets, and trousers; worsted wool fabric and yarn used in the manufacture of such clothing; and wool fibers used in the manufacture of such fabrics and yarn. In Proclamation 7383, the President delegated the authority to modify the TRQ limits to the Secretary of Commerce, and delegated to USTR the authority to monitor these market conditions.

Public Hearing

A public hearing in connection with preparation of the first annual report, as identified above, will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on May 31, 2001. The Commission has not scheduled any other public hearing in connection with this investigation at this time. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., May 17, 2001. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., May 21, 2001. The deadline for filing post-hearing briefs or statements is 5:15 p.m., June 7, 2001. In the event that, as of the close of business on May 17, 2001, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after May 17, 2001, to determine whether the hearing will be held.

Written Submissions

In connection with preparation of the interim letter for USTR, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission. To be assured of consideration by the Commission, written statements in connection with the interim letter should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 7, 2001. Regarding the first annual report, in lieu of or in addition to participating in the above-referenced hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission by no later than the close of business on June 7, 2001.

Commercial or financial information that a person desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). The Commission's Rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. The Commission may include confidential business information submitted in the course of this investigation in its reports to the USTR. In the public version of these reports, however, the Commission will not publish confidential business information in a manner that would reveal the individual operations of the firm supplying the information. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

List of Subjects

Tariffs, imports, wool, fabric, and suits.

By order of the Commission.

Issued: February 13, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–4433 Filed 2–22–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on February 8, 2001, a proposed consent decree in *United States* v. *Forsch Polymer Corporation*, Civil Action No. 00–N–919, was lodged with the United States District Court for the District of Colorado.

In this action, the United States sought injunctive relief and the payment of civil penalties for Forsch Polymer's alleged violations of the Stratospheric Ozone Protection Requirements set forth at Subchapter VI of the Clean Air Act, and EPA's implementing regulations. Under the proposed decree, the defendant Forsch Polymer Corporation will pay the sum of $32,000 over a one year period. The settlement sum is based upon the financial inability of Forsch Polymer Corporation to pay more. The proposed decree does not require that Forsch Polymer Corporation take any injunctive measures because Forsch Polymer Corporation has certified that it no longer uses the ozone depleting substance that formed the basis of the United States' action.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Forsch Polymer Corporation*, D.J. Ref. 90–5–2–1–06428.

The proposed consent decree may be examined at the Office of the United States Attorney, 1225 17th Street, Suite 700, Denver, CO 80202; and at U.S. EPA Region VIII, 999 18th Street, Denver, Colorado 80202. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $3.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–4515 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Gillette*, Civ. No. 3: CV–96–1200 (M.D. Pa.), was lodged with the United States District Court for the Middle District of Pennsylvania on February 9, 2001. This proposed Consent Decree concerns a complaint filed by the United States of America against Robert Gillette, pursuant to section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319 (b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendant for unlawfully discharging and/or filling approximately 1.6 acres of wetlands adjacent to an unnamed tributary of Van Auken Creek, in Waymart Borough, Wayne County, Pennsylvania.

The proposed Consent Decree requires the Defendant to pay a civil penalty for his unauthorized discharges. Under the proposed Consent Decree, the Defendant shall also undertake a supplemental environmental project (''SEP'') consisting of the conservation and management of wetlands in Tobyhanna Township, Monroe County, Pennsylvania. The proposed Consent Decree permanently enjoins the Defendant, or any successor of the Defendant, from discharging pollutants into any water of the United States at the Site, except in compliance any permits required to be obtained by federal, state and local laws, rules or regulations.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Attention: Joshua M. Levin, P.O. Box 23986, Washington, DC 20026–3986 and should refer to *United States* v. *Gillette*, DJ Reference No. 90–5–1–6–596.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108. In addition, the proposed Consent Decree may be viewed on the World Wide Web at http://www.usdoj.gov/enrd/enrd-home.html.

Scott A. Schachter,

Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 01–4514 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 00–3006]

United States of America v. Aktiebolaget Volvo, Trucks North America, Inc., Renault S.A., Renault V.I. S.A., and Mack Trucks, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16(b) through (h), that a Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement were filed with the United States District Court for the District of Columbia in *United States of America* v. *Aktiebolaget Volvo, Volvo Trucks North America, Inc., Renault S.A., Renault V.I. S.A. and Mack Trucks, Inc.,* Civil No. 1:00CV03006. On December 18, 2000, the United States filed a Complaint in the United States District Court for the District of Columbia alleging the proposed acquisition by Aktiebolaget Volvo of Renault V.I. S.A., which includes Mack Trucks, Inc., from Renault S.A. would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Aktiebolaget Volvo, among other things, to divest the Volvo Trucks North America, Inc., Low Cab Over Engine Truck Business along with certain other tangible and intangible assets. Copies of the Complaint, Hold Separate Stipulation and Order, proposed Final Judgment, and Competitive Impact Statement are available for inspection in Room 200 of the U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Washington, DC., and at the office of the Clerk of the United States District Court for the District of Columbia, Washington, DC.

Public comment is invited within the statutory 60-day comment period. Such comments and response thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (Telephone: 202–307–0924).

Constance K. Robinson,

Director of Operations.

Hold Separate Stipulation and Order

It is hereby stipulated and agreed by and between the undersigned parties, subject to approval and entry by the Court, that:

I. Definitions

As used in this Hold Separate Stipulation and Order:

A. ''Purchaser'' means the entity to whom defendants divest either the VTNA LCOE Truck Business or the Mack LCOE Truck Business.

B. ''AB Volvo'' means defendant Aktiebolaget Volvo, a Swedish corporation with its headquarters in Gotenborg, Sweden, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''VTNA'' means defendant Volvo Trucks North America, Inc., a Delaware corporation and a wholly owned subsidiary of AB Volvo with its headquarters in Greensboro, North Carolina, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Renault'' means defendant Renault S.A., a French corporation with its headquarters in Boulogne-Billancourt, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

E. ''Renault V.I.'' means defendant Renault V.I.S.A., a French corporation and a wholly owned subsidiary of Renault with its headquarters in Lyon, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

F. ''Mack'' means defendant Mack Trucks, Inc., a Pennsylvania corporation and a wholly owned subsidiary of Renault V.I. with its headquarters in Allentown, Pennsylvania, and includes its successors and assigns, and its subsidiaries, division, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

G. ''LCOE Truck'' means a class 8 low cab over entire straight truck with a cab

placed over or in front of the engine and the capability to accept an attached vocational body.

H. ''VTNA LCOE Truck Business'' means VTNA's line of LCOE Trucks (which consists of the WX and WXLL) including:

(1) All tangible assets that comprise the VTNA LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the VTNA LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the VTNA LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the VTNA LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the VTNA LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit record of customers; all repair, performance, and VTNA LCOE Truck Business records and all other records relating to the VTNA LCOE Truck Business. The VTNA Truck Business does not include the sale of the VTNA New River Valley, Virginia, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the VTNA LCOE Truck Business, including, but not limited to: (a) the Xpeditor, WX, and WXLL brand names and all other intellectual property rights used exclusively in connection with the VTNA LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the VTNA LCOE Truck Business and other nondivested AB Volvo assets (other than intellectual property regarding use of the word ''Volvo''), a transferable, license, exclusive in the VTNA LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the VTNA LCOE Truck Business; (d) a transferable, sublicense, exclusive in the VTNA LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the VTNA LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for improvements or updates to, or product line extensions of the WX or WXLL. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, copyrights, technical information, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the VTNA LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

I. ''Mack LCOE Truck Business'' means Mack's line of LCOE Trucks (which includes the MR and LE) including:

(1) All tangible assets that comprise the Mack LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the Mack LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the Mack LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the Mack LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Mack LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and Mack LCOE Truck Business records and all other records relating to the Mack LCOE Truck Business. The Mack LCOE Truck Business does not include the sale of the Mack Macungie, Pennsylvania, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the Mack LCOE Truck Business, including, but not limited to: (a) The MR and LE brand names and all other intellectual property rights used exclusively in connection with the Mack LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the Mack LCOE Truck Business and other nondivested Renault assets (other than intellectual property regarding use of the word ''Mack'' or the word ''Renault''), a transferable, license, exclusive in the Mack LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the Mack LCOE Truck Business; (d) a transferable, sublicense, exclusive in the Mack LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the Mack LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the MR or LE. Intellectual property rights comprise, but are not limited to patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the Mack LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

II. Objectives

The Final Judgment filed in this case is meant to ensure defendants' prompt divestiture of the VTNA LCOE Truck Business or, pursuant to the decision of a trustee, the Mack LCOE Truck Business, for the purpose of assuring the establishment of one or more viable competitors in the LCOE Truck industry capable of competing effectively to supply LCOE Trucks in North America and to remedy the anticompetitive effects that the United States alleges would otherwise result from AB Volvo's acquisition of Renault V.I. This Hold Separate Stipulation and Order ensures, prior to such divestitures, that the VTNA and Mack LCOE Truck Businesses operate as competitively independent, economically viable, and ongoing business concerns that will remain independent and uninfluenced by the consummation of AB Volvo's acquisition of Renault V.I., and that competition is maintained during the pendency of the ordered divestitures.

III. Jurisdiction and Venue

The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the Untied States District Court for the District of Columbia.

IV. Compliance With and Entry of Final Judgment

A. The parties stipulate that a Final Judgment in the form attached hereto as Exhibit A may be filed with an entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

B. Defendants shall abide by and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

C. Defendants shall not consummate the transaction sought to be enjoined by the Complaint herein before the Court has singed this Hold Separate Stipulation and Order.

D. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

E. In the event (1) the United States has withdrawn its consent, as provided in Section IV(A) above, or (2) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

F. Defendants represent that the divestiture ordered in the proposed Final Judgment can and will be made, and that defendants will later raise no claim of mistake, hardship or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.

V. Hold Separate Provisions

Until the divestitures required by the Final Judgment have been accomplished:

A. Defendants shall preserve, maintain, and continue to operate the VTNA and Mack LCOE Truck Businesses as competitively independent, economically viable parts of ongoing competitive businesses, with management, research, design, development, promotions, marketing, sales and operations of such assets held entirely separate, distinct and apart from those of the defendants' other operations. Except as provided in this paragraph, AB Volvo shall not coordinate the research and development, promotions, production, marketing or terms of sale of any products produced by or sold by or through the VTNA LCOE Truck Business with those produced or sold by or through the Mack LCOE Truck Business. Notwithstanding the foregoing provisions, AB Volvo is not prohibited from continuing the historical, regular course of business, system-wide production and sales of VTNA and Mack LCOE Trucks, provided that defendants continue to support and maintain the VTNA and Mack LCOE Truck Businesses as independent, ongoing, economically viable and active competitors in the LCOE Truck industry as required by this Hold Separate Stipulation and Order (including efforts to maintain and increase the sales revenue of the VTNA and Mack LCOE Truck Businesses required under Section V.(C)). Within twenty (20) days after the entry of this Hold Separate Stipulation and Order, defendants will inform the United States of the steps defendants have taken to comply with this Hold Separate Stipulation and Order.

B. Defendants shall take all steps necessary to ensure that (1) the VTNA and Mack LCOE Truck Businesses will be maintained and operated as an independent, ongoing, economically viable and active competitors in the LCOE Truck industry; (2) management of the VTNA and Mack LCOE Truck Businesses (designated in Section V.(J)) will not be influenced by defendants; and (3) the books, records, competitively sensitive sales, marketing and pricing information, and decision-making concerning research, development, marketing, production, distribution or sales of products by or under any of the VTNA and Mack LCOE Truck Businesses will be kept separate and apart from defendants' other operations.

C. Defendants shall use all reasonable efforts to maintain and increase the research, development, sales, and revenues of the products produced by or sold under the VTNA and Mack LCOE Truck Businesses, and shall maintain at 2000 levels or previously approved levels for 2001, whichever are higher, all research, development, product improvement, promotional, advertising, sales, technical assistance, marketing and merchandising support for the VTNA and Mack LCOE Truck Businesses.

D. Defendants shall provide sufficient working capital and lines and sources of credit to continue to maintain the VTNA and Mack LCOE Businesses as economically viable and competitive, ongoing businesses, consistent with the requirements of Sections V(A) and V(B).

E. Defendants shall take all steps necessary to ensure that all the assets of the VTNA and Mack LCOE Truck Businesses are fully maintained in operable condition at no less than current capacity and sales, and shall maintain and adhere to normal product improvement and upgrade and repair and maintenance schedules for those assets.

F. Defendants shall not, except as part of a divestiture approved by the United States in accordance with the terms of the proposed Final Judgment, remove, sell, lease, assign, transfer, pledge or otherwise dispose of any of the VTNA and Mack LCOE Truck Businesses.

G. Defendants shall maintain, in accordance with sound accounting principles, separate, accurate and complete financial ledgers, books and records that report on a periodic basis, such as the last business day of every month, consistent with past practices, the assets, liabilities, expenses, revenues and income of the VTNA and Mack LCOE Truck Businesses.

H. Defendants shall take no action that would jeopardize, delay, or impede the sale of the VTNA and Mack LCOE Truck Businesses.

I. Defendants' employees with primary responsibility for the research, design, development, promotion, distribution, sale, and operation of the VTNA and Mack LCOE Truck Businesses shall not be transferred or reassigned to other areas within the company except for transfer bids initiated by employees pursuant to defendants' regular, established job posting policy. Defendants shall provide the United States with ten (10) calendar days notice of such transfer.

J. Prior to consummation of their transaction, defendants shall appoint Stanley C. Ellspermann to oversee the VTNA LCOE Truck Business and Denis

Leblond to oversee the Mack LCOE Truck Business, and to be responsible for defendants' compliance with this section. Stanley C. Ellspermann shall have complete managerial responsibility for the VTNA LCOE Truck Business, and Denis Leblond shall have complete managerial responsibility for the Mack LCOE Truck Business, subject to the provisions of this Final Judgment. In the event either person is unable to perform his duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

K. Defendants shall take no action that would interfere with the ability of any trustee appointed pursuant to the Final Judgment to monitor and complete the divestiture pursuant to the Final Judgment to a purchaser acceptable to the United States.

L. This Hold Separate Stipulation and Order shall remain in effect until consummation of the divestiture required by the proposed Final Judgment or until further order of the Court.

Dated: December 18, 2000.

For Plaintiff, United States of America:
Frederick H. Parmenter,
Virginia Bar No.: 18184, United States Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 307–0620.

Respectfully submitted,
For Defendants Aktiebolaget Volvo and Volvo Trucks North America, Inc.:
Kevin Arquit,
Clifford Chance Rogers & Wells LLP, 200 Park Avenue, New York, New York 10166–0153, (202) 878–8375.

For Defendants Renault S.A., Renault S.A. V.I. and Mack Trucks, Inc.:
Richard J. Urowsky,
Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, (202) 558–4812.

Order

It Is So Ordered by the Court, this _____ day of December, 2000.

_____
United States District Judge

Final Judgment

Whereas, plaintiff, the United States of America (''United States''), filed its Complaint on December 18, 2000, and defendants Aktiebolaget Volvo (''AB Volvo''), Volvo Trucks North America, Inc. (''VTNA''), Renault S.A. (''Renault''), Renault V.I.S.A. (''Renault V.I.''), and Mack trucks, Inc. (''Mack''), by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or any admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the court;

And whereas, the essence of this Final Judgment is the prompt and certain divestiture of the business and assets identified below to assure that competition is not substantially lessened;

And whereas, the United States requires defendants to make the divestitures ordered herein for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to the United States that the divestitures ordered herein can and will be made promptly and that defendants later will raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before taking any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby *Ordered, Adjudged, and Decreed* as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and over the subject matter of this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''AB Volvo'' means defendant Aktiebolaget Volvo, a Swedish corporation with its headquarters in Gotenborg, Sweden, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

B. ''VTNA'' means defendant Volvo Trucks North America, Inc., a Delaware corporation and a wholly owned subsidiary of AB Volvo with its headquarters in Greensboro, North Carolina, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Renault'' means defendant Renault S.A., a French corporation with its headquarters in Boulogne-Billancourt, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Renault V.I.'' means defendant Renault V.I. S.A., a French corporation and a wholly owned subsidiary of Renault with its headquarters in Lyon, France, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

E. ''Mack'' means defendant Mack Trucks, Inc., a Pennsylvania corporation and a wholly owned subsidiary of Renault V.I. with its headquarters in Allentown, Pennsylvania, and includes its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

F. ''LCOE Truck'' means a class 8 low cab over engine straight truck with a cab placed over or in front of the engine and the capability to accept an attached vocational body.

G. ''VTNA LCOE Truck Business'' means VTNA's line of LCOE Trucks (which consists of the WX and WXLL) including:

(1) All tangible assets that comprise the VTNA LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the VTNA LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the VTNA LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the VTNA LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the VTNA LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and VTNA LCOE Truck Business records and all other records relating to the VTNA LCOE Truck Business. The VTNA Truck Business does not include the sale of the VTNA New River Valley, Virginia, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the VTNA LCOE Truck Business, including, but not limited to: (a) The Xpeditor, WX, and WXLL brand names and all other

intellectual property rights used exclusively in connection with the VTNA LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the VTNA LCOE Truck Business and other nondivested AB Volvo assets (other than intellectual property regarding use of the word ''Volvo''), a transferable license, exclusive in the VTNA LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the VTNA LCOE Truck Business; (d) a transferable sublicense, exclusive in the VTNA LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the VTNA LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the WX or WXLL. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the VTNA LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

H. ''Mack LCOE Truck Business'' means Mack's line of LCOE Trucks (which includes the MR and LE) including:

(1) All tangible assets that comprise the Mack LCOE Truck Business, including research and development activities, all manufacturing equipment, tooling and fixed assets, personal property, inventory, materials, supplies, and other tangible property and all other assets used exclusively in connection with the Mack LCOE Truck Business; all components, parts, and designs used in LCOE Trucks comprising the Mack LCOE Truck Business; all licenses, permits and authorizations issued by any governmental organization relating to the Mack LCOE Truck Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to the Mack LCOE Truck Business, including supply agreements; all lists, contracts, accounts, and credit records of customers; all repair, performance, and Mack LCOE Truck Business records and all other records relating to the Mack LCOE Truck Business. The Mack LCOE Truck Business does not include the sale of the Mack Macungie, Pennsylvania, plant; and

(2) any and all intangible assets used in the development, production, servicing and sale of the Mack LCOE Truck Business, including, but not limited to: (a) The MR and LE brand names and all other intellectual property rights used exclusively in connection with the Mack LCOE Truck Business; (b) with respect to all other intellectual property rights used in connection with both the Mack LCOE Truck Business and other nondivested Renault assets (other than intellectual property regarding use of the word ''Mack'' or the word ''Renault''), a transferable license, exclusive in the Mack LCOE Truck Business field of use; (c) all existing licenses and sublicenses relating exclusively to the Mack LCOE Truck Business; (d) a transferable sublicense, exclusive in the Mack LCOE Truck Business field of use, to all other existing licenses and sublicenses relating to the Mack LCOE Truck Business; and (e) all research, market evaluations or information relating to plans for, improvements or updates to, or product line extensions of the MR or LE. Intellectual property rights comprise, but are not limited to, patents, licenses and sublicenses, technical information, copyrights, trademarks, trade names, service marks, service names, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information provided to employees, customers, suppliers, agents, or licensees, and all research data concerning historic and current research and development efforts relating to the Mack LCOE Truck Business including, but not limited to, designs of experiments and the results of successful and unsuccessful designs and experiments.

III. Applicability

A. This Final Judgment applies to AB Volvo, VTNA, Renault, Renault V.I., and Mack, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. Defendents shall require, as a condition of the sale or other disposition of all or substantially all of their assets, or of lesser business units that include the VTNA LCOE Truck Business, that the purchaser agrees to be bound by the provisions of this Final Judgment, provided, however, that defendants need not obtain such an agreement from the purchaser of the VTNA LCOE Truck Business or Mack LCOE Truck Business pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within ninety (90) calendar days after the filing of the Complaint in this matter, or five (5) days after notice of the entry of this Final Judgment by this Court, whichever is later, to

(1) Divest the VTNA LCOE Truck Business in a manner consistent with this Final Judgment as a viable ongoing business to a purchaser acceptable to the United States in its sole discretion;

(2) enter into an agreement with the purchaser of the VTNA LCOE Truck Business whereby defendants guarantee that the VTNA LCOE Truck Business will be able to use engines which meet United States Environmental Protection Agency 2002 emissions requirements; and

(3) at the option of the purchaser of the VTNA LCOE Truck Business, enter into an agreement to supply reasonable levels of transitional and manufacturing start-up support for a maximum period of 2 years that will enable the purchaser or purchasers to produce VTNA LCOE Trucks.

B. Defendants agree to use their best efforts to divest the VTNA LCOE Truck Business as expeditiously as possible. The United States, in its sole discretion, may extend the time period for the divestiture two additional periods of time, not to exceed thirty (30) calendar days each, and shall notify this Court in such circumstances.

C. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the VTNA LCOE Truck Business. Defendants shall inform any person making inquiry regarding a possible purchase of the VTNA LCOE Truck Business that it is being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective purchasers, subject to customary assurances, all information and documents relating to

the VTNA LCOE Truck Business customarily provided in a due diligence process, except such information or documents subject to the attorney-client or attorney work-product privileges. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the purchaser and the United States information relating to any AB Volvo or VTNA personnel involved in the research, design, production, operation, development, marketing and sale of the VTNA LCOE Truck Business to enable the purchaser to make offers of employment. Defendants will not interfere with any negotiations by the purchaser to employ any person whose primary responsibility is the research, design, production, operation, development, marketing or sale of the VTNA LCOE Truck Business.

E. Defendants shall permit prospective purchasers of the VTNA LCOE Truck Business to have reasonable access to personnel and to make inspections of the physical facilities of the VTNA business to be divested; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, sales, marketing, operational, or other documents and information customarily provided as part of a due diligence process.

F. Defendants shall warrant to the purchaser of the VTNA LCOE Truck Business that each asset of the VTNA LCOE Truck Business will be operational on the date of sale.

G. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the VTNA LCOE Truck Business.

H. Defendants shall not take any action that will in any impede or exclude their dealers from distributing, selling, or servicing LCOE Trucks produced by the purchaser of the VTNA LCOE Truck Business.

I. Defendants shall warrant to the purchaser of the VTNA LCOE Truck Business that there are no material defects in the environment, zoning, or other permits pertaining to the operation of each asset, and that following the sale of the VTNA LCOE Business, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the VTNA LCOE Truck Business.

J. Unless the United States consents in writing, the divestiture pursuant to Section IV of this Final Judgment, whether by defendants or by a trustee appointed pursuant to Section VI of this Final Judgment, shall include the entire VTNA LCOE Truck Business as defined in Section II. The divestiture of the VTNA LCOE Truck Business shall be accomplished by selling or otherwise conveying the VTNA LCOE Truck Business to a purchaser in such a way as to satisfy the United States, in its sole discretion, that business to be divested can and will be used by the purchaser as part of a viable, ongoing LCOE Truck business. The divestiture of the VTNA LCOE Truck Business, whether pursuant to Section IV or Section VI of this Final Judgment, shall be made to a purchaser in a manner so as to satisfy the United States, in its sole discretion, that it: (1) Has the capability and intent of competing effectively in the development, production and sale of LCOE Trucks; (2) has the managerial, operational, technical and financial capability to compete effectively in the development, production and sale of LCOE Trucks; and (3) is not hindered by the terms of any agreement between the purchaser and defendants that gives either defendant the ability unreasonably to raise the purchaser's costs, to lower the purchaser's efficiency, or otherwise to interfere with the ability of the purchaser to compete effectively.

V. Notice of Proposed Divestitures

Within two (2) business days following execution of a definitive agreement, contingent upon compliance with the terms of this Final Judgment, to effect, in whole or in part, any proposed divestiture pursuant to Sections IV or VI of this Final Judgment, defendants or the trustee, whichever is then responsible for effecting the divestiture, shall notify the United States of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the VTNA LCOE Business, together with full details of same. Within fifteen (15) calendar days of receipt by the United States of such divestiture notice, the United States may request from defendants, the proposed purchaser, any other third party, or the trustee if applicable, additional information concerning the proposed divestiture, the proposed purchaser, and any other potential purchaser. Defendants and the trustee shall furnish any additional information requested from them within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) calendar days after receipt of the notice, or within twenty (20) calendar days after the United States has been provided the additional information requested from the defendants, the proposed purchaser, any third party, or the trustee, whichever is later, the United States shall each provide written notice to defendants and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice to defendants (and the trustee if applicable) that it does not object, then the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section VI(B) of this Final Judgment. Absent written notice that the United States does not object to the proposed purchaser or upon objection by the United States, a divestiture proposed under Section IV or Section VI may not be consummated. Upon objection by defendants under the provision in Section VI(C), a divestiture proposed under Section VI shall not be consummated unless approved by the Court.

VI. Appointment of Trustee

A. If defendants have not divested the VTNA LCOE Truck Business within the time period specified in Section IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a trustee selected by the United States and approved by the Court to effect the divestiture of the VTNA or Mack LCOE Truck Business. The trustee shall have the right, in its sole discretion, to sell either the VTNA LCOE Truck Business or the Mack LCOE Truck Business. The trustee shall also have the right, in its sole discretion, and upon notice to the defendants and upon consultation with the United States, to add such other assets and agreements concerning necessary parts and components, in order to ensure the viability, competitiveness, and marketability of the Mack LCOE Truck Business.

B. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell the VTNA or Mack LCOE Truck Business. The trustee shall have the power and authority to accomplish the divestiture at the earliest possible time to a purchaser acceptable to the United States at such price and on such terms as are then obtainable for the VTNA or Mack LCOE Truck Business, upon a reasonable effort by the trustee, subject to the provisions of Sections IV, V, and VI of this Final

Judgment, and shall have such other powers as the Court shall deem appropriate. Subject to Section VI(D) of this Final Judgment, the trustee may hire at the cost and expense of the defendants, any investment bankers, attorneys, or other agents, who shall be solely accountable to the trustee, reasonably necessary in the trustee's judgment to assist in the divestiture.

C. Defendants shall not object to a sale by the trustee on any ground other than the trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section V of this Final Judgment.

D. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as approved by the United States. The trustee shall account for all monies derived from the sale of the VTNA or Mack LCOE Truck Business, and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the trustee and of any professionals and agents retained by the trustee shall be reasonable in light of the value of the VTNA or Mack LCOE Truck Business and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount.

E. Defendants shall use their best efforts to assist the trustee in accomplishing the required divestiture pursuant to this Section. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities of the VTNA and Mack LCOE Truck Business, and defendants shall develop financial or other information relevant to such businesses as the trustee may reasonably request, subject to reasonable protection for trade secrets or other confidential research, development or commercial information. Defendants shall take no action to interfere with or to impede the trustee's accomplishment of the divestiture.

F. After its appointment, the trustee shall file monthly reports with the United States and the Court setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry abut acquiring, any interest in the VTNA or Mack LCOE Truck Business, and shall describe in detail each contact with any such person. The trustee shall maintain full records of all efforts made to divest the VTNA or Mack LCOE Truck Business.

G. If the trustee has not accomplished the divestiture of the VTNA or Mack LCOE Truck Business within six (6) months after its appointment, the trustee thereupon shall file promptly with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the United States, who shall have the right to make additional recommendations consistent with the purpose of the trust. The Court shall enter thereafter such orders as it shall deem appropriate in order to carry out the purpose of this Final Judgment which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

VII. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter and every thirty (30) calendar days thereafter until the divestiture has been completed, whether pursuant to Section IV or Section VI of this Final Judgment, defendants shall deliver to the United States an affidavit as to the fact and manner of their compliance with Sections IV or VI of this Final Judgment. Each such affidavit shall include, inter alia, the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contracted or made an inquiry about acquiring, any interest in the VTNA LCOE Truck Business, or after appointment of a trustee under Section VI of this Final Judgment, the Mack LCOE Truck Business, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts that defendants have taken to solicit potential purchasers for the VTNA LCOE Truck Business and to provide required information to potential purchasers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitations on information, shall be made within fourteen (14) days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit which describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment and the Hold Separate Stipulation and Order entered by the Court. The affidavit also shall describe, but not be limited to, defendants' efforts to maintain and operate the VTNA LCOE Truck Business as an active competitor, maintain its management, staffing, research and development activities, sales, marketing and pricing, and maintain the business in operable condition at current capacity configurations. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavit(s) filed pursuant to this Section within fifteen (15) calendar days after the change is implemented.

C. Until one year after the divestiture has been completed, defendants shall preserve all records of all efforts made to preserve the business to be divested and to effect the ordered divestiture.

VIII. Hold Separate Order

Until the divestiture required by this Final Judgment has been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Financing

Defendants are ordered and directed not to finance all or any part of any purchase made pursuant to Sections IV or VI of this Final Judgment.

X. No Reacquisition

Defendants may not reacquire any part of the divested assets during the term of this Final Judgment.

XI. Compliance Inspection

For the purposes of determining or securing compliance with this Final Judgment, or of determining whether this Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, upon written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

1. Access during office hours of defendants to inspect and copy, or at plaintiff's option, to require defendants to provide copies of, all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the custody or possession or under the control of defendants relating to any matters contained in this Final Judgment and the Hold Separate Stipulation and Order; and

2. to interview, either informally or on the record, defendants' officers, employees, and agents, who may have their individual counsel present, regarding any such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, made to defendants' principal offices, defendants shall submit written reports, under oath if requested, relating to any matter contained in this Final Judgment or the Hold Separate Stipulation and Order as may be requested.

C. no information or documents obtained by the means provided in this Section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. if at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then ten (10) calendar days notice shall be given to defendants by the United States prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendants are not a party.

XII. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XIII. Termination

Unless this Court grants an extension, this Final Judgment will expire upon the tenth anniversary of the date of its entry.

XIV. Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____, 2001.

Court approval subject to procedures of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

_____

United States District Judge

Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of This Proceeding

The United States filed a civil antitrust Complaint under Section 15 of the Clayton Act, 15 U.S.C. 25 on December 18, 2000, alleging Aktiebolaget Volvo's (''AB Volvo'') acquisition of Renault V.I.S.A. (''Renault V.I.''), which includes Mack Trucks, Inc. (''Mack''), from Renault S.A. (''Renault'') would substantially lessen competition in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18.

The Complaint alleges the defendants are the two largest producers of heavy duty (class 8), low cab over engine straight trucks (''LCOE Trucks'' in the United States. The proposed acquisition would result in AB Volvo accounting for approximately 96 percent of heavy duty LCOE Truck sales in the United States. The Complaint alleges the transaction will substantially lessen competition in the development, production, and sale of heavy duty LCOE Trucks sold in the United States, thereby harming consumers. Accordingly, the prayer for relief in the Complaint seeks: (1) A judgment that the proposed acquisition would violate Section 7 of the Clayton Act; (2) a permanent injunction preventing the defendants from carrying out the acquisition or otherwise combining their businesses or assets; (3) an award to the United States of its costs in bringing the lawsuit; and (4) such other relief as the Court deems proper.

When the Complaint was filed, the United States also filed a proposed settlement permitting AB Volvo to acquire Renault V.I., provided AB Volvo divested its Volvo Trucks North America, Inc. (''VTNA'') LCOE Truck Business (a term defined in the proposed Final Judgment) to preserve competition. The settlement consists of a proposed Final Judgment and a Hold Separate Stipulation and Order.

The proposed Final Judgment orders the defendants to divest the VTNA LCOE Truck Business to an acquirer approved by the United States. The defendants must complete the divestiture within ninety (90) calendar days after the filing of the Complaint, or five days after notice of the entry of the Final Judgment, whichever is later. The United States may extend the time period for divestiture two additional periods, each not to exceed 30 days. If the defendants do not complete the divestiture within the prescribed time, then, under the terms of the proposed Final Judgment, the Court will appoint a trustee to achieve the divestiture. If a trustee is appointed, the trustee shall have the option of divesting either the VTNA LCOE Truck Business or the Mack LCOE Truck Business (a term defined in the proposed Final Judgment).

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation of the Antitrust Laws

A. The Defendants and the Proposed Acquisition

1. Aktiebolaget Volvo

AB Volvo is a foreign corporation organized and existing under the laws of Sweden with its corporate headquarters and principal place of business in Gotenburg, Sweden. AB Volvo is an international manufacturer of trucks, construction equipment, and engines. AB Volvo, through its subsidiary, VTNA, is the second largest U.S. manufacturer of heavy duty LCOE Trucks. AB Volvo reported revenue of approximately $14.7 billion in 1999.

2. Volvo Trucks North America, Inc.

VTNA is a corporation organized and existing under the laws of the state of Delaware with its corporate headquarters and principal place of business in Greensboro, North Carolina. VTNA produces trucks in Dublin, Virginia. VTNA's 1999 revenues were approximately $2.39 billion.

3. Renault S.A.

Renault is a foreign corporation organized and existing under the laws of France that has its corporate headquarters and principal place of business in Boulogne-Billancourt, France. Renault is an international manufacturer of automobiles, trucks, buses, and engines. Renault reported revenue of approximately $39 billion in 1999.

4. Renault V.I.S.A.

Renault V.I. is a foreign corporation organized and existing under the laws of France with its corporate headquarters and principal place of business in Lyon, France. Renault V.I. is a subsidiary of Renault and produces trucks and truck engines.

5. Mack Trucks, Inc.

Mack is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its corporate headquarters and principal place of business in Allentown, Pennsylvania. Mack, which is a subsidiary of Renault V.I., produces trucks and engines. Mack is the largest United States manufacturer of heavy duty LCOE Trucks. Mack reported revenues of approximately $2.2 billion in 1999.

B. The Proposed Acquisition

On or about July 18, 2000, AB Volvo entered into an agreement with Renault to acquire Renault V.I. from Renault in exchange for 15% of AB Volvo's outstanding voting security which has an approximate value of $1.8 billion. The proposed acquisition would substantially lessen competition in the heavy duty LCOE Truck segment of the heavy duty truck industry and precipitated the United States' antitrust suit.

C. The Heavy Duty LCOE Truck Business and the Competitive Effects of the Acquisition

1. The Heavy Duty LCOE Truck Market

The Complaint alleges the development, production, and sale of heavy duty LCOE Trucks is a line of commerce and a relevant product market within the meaning of Section 7 of the Clayton Act. Heavy duty trucks (or ''class 8'' trucks) are those trucks capable of carrying the heaviest payload capacities or gross vehicle weights, exceeding 33,000 pounds. In addition to payload capacity, heavy duty trucks are distinguished from lighter duty trucks by large powerful diesel engines and other heavy duty components. Heavy duty LCOE Trucks are configured with the cab located over or in front of the engine, and a windshield which is even with the front bumper. The design gives heavy duty LCOE Trucks superior visibility and maneuverability compared to conventional cab, heavy duty, straight trucks which are designed with their engines in front of the cab. Heavy duty LCOE Trucks have a lower entry point to the cab (18 inches), compared to conventional straight trucks (almost four feet).

The design of heavy duty LCOE Trucks makes them uniquely suited to specific applications. Most heavy duty LCOE Trucks are sold to the refuse industry, which requires heavy duty trucks to handle the weight of the waste material being hauled. Refuse companies often attach a mechanical fork lift to heavy duty LCOE Trucks to lift commercial dumpsters over the cab, emptying them into the body of the truck. Such a mechanical fork lift cannot be used with trucks designed with engines in front of the cab because that design has an extended hood which would block the lift's operation. Similarly, the LCOE design provides superior maneuverability and visibility needed in urban and residential streets and alleys. Finally, the low height for entry into the cab makes the LCOE design significantly preferable for refuse use because drivers need to exit and enter the truck often. The ease of cab entry and the superior maneuverability and visibility of heavy duty LCOE Trucks also makes them the truck of choice for various other applications such as home heating oil delivery in the Northeastern United States, concrete pumping, and aircraft refueling.

There are no good substitutes for heavy duty LCOE Trucks. A sufficient number of purchasers of heavy duty LCOE Trucks would not turn to substitutes in response to a small but significant increase in the price of heavy duty LCOE Trucks to make such price increase unprofitable. Accordingly, the development, production, and sale of heavy duty LCOE Trucks is a relevant product market in which to assess the competitive effects of the proposed acquisition.

The Complaint alleges the United States constitutes the relevant geographic market for the purposes of analyzing the transaction. Virtually all heavy duty LCOE Trucks sold in the United States are manufactured in the United States and almost none are imported. The foreign-headquartered truck manufacturers that sell heavy duty LCOE Trucks in the United States manufacture the trucks at facilities located in the United States. Classifications, standards, and customer preferences for heavy duty LCOE Trucks produced for Asia and Europe differ from those produced for the United States. A small but significant increase in the price of heavy duty LCOE Trucks would not cause a sufficient number of purchasers to switch to trucks manufactured outside the United States to make the price increase unprofitable.

2. Anticompetitive Consequences of the Acquisition

The Complaint alleges that AB Volvo's acquisition of Renault will likely have the following anticompetitive effects: (a) Competition generally in the development, production and sale of heavy duty LCOE Trucks would be substantially lessened; (b) the actual and potential competition between Volvo and Renault would be eliminated; and (c) prices for heavy duty LCOE Trucks would likely increase and the quality, level of service, and product improvement of heavy duty LCOE Trucks would likely decline.

VTNA and Mack are the only significant suppliers of heavy duty LCOE Trucks in the United States. In this highly concentrated market, Mack has approximately a 53 percent market share, and VTNA has approximately a 33 percent market share. VTNA and Mack compete directly and aggressively against one another on the development, production, and sale of heavy duty LCOE Trucks which has benefited consumers through lower prices, higher

quality, better service, and improved products.

The proposed acquisition would substantially increase concentration in an already highly concentrated market. After the acquisition, the combined firm would account for approximately 86 percent of heavy duty LCOE Truck sales in the United States. Using the Herfindahl-Hirschman Index (''HHI,'' which is defined and explained in Appendix A of the Complaint), the proposed transaction will increase the HHI by more than 4000 points to a post-merger level of about 7508, far in excess of the level which ordinarily raise antitrust concerns.

The proposed acquisition will raise the combined firms' share of industry sales to the level where it will have the ability and incentive to raise prices unilaterally. The heavy duty LCOE Trucks of VTNA and Mack are significantly differentiated from their other competitors' heavy duty LCOE Trucks in terms of their actual and proven track record for reliability, maintenance requirements, and significant components. Mack's and VTNA's heavy duty LCOE Trucks are the closest substitutes for each other and their customers would not divert a sufficient number of their purchases to competing heavy duty LCOE Trucks to defeat a significant price increase by the defendants following a merger.

The Complaint alleges that entry into the production and sale of heavy duty LCOE Trucks in the United States is difficult, time consuming, and expensive, and would not be timely, likely or sufficient to deter the exercise of market power by the combined firm in the readily foreseeable future. Entry, even by an established producer of other types of heavy duty trucks, would require a high sunk capital investment in research and development and equipment and facilities. A new entrant would also need to develop an effective dealer network for selling and servicing heavy duty LCOE Trucks and would need to develop a track record for reliability and maintenance before it would attract significant sales from Mack and VTNA. Even an established producer of other types of heavy duty trucks with a dealer network for those trucks would need in excess of two years to design, produce, and gain customer acceptance of a new heavy duty LCOE Truck.

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment is designed to ensure competition otherwise eliminated as a result of the proposed acquisition is preserved, and to prevent AB Volvo from exercising market power in the heavy duty LCOE Truck market after the acquisition. To maintain competition in the heavy duty LCOE Truck market. Section IV of the proposed Final Judgment orders the defendants to sell the VTNA LCOE Truck Business. The proposed Final Judgment also requires the defendants to negotiate agreements with the purchaser guaranteeing the divested business will meet EPA 2002 emissions standards and, at the purchaser's option, to provide start-up support for the divested LCOE Truck Business for a period of up to two years. The defendants are prohibited by the proposed Final Judgment from taking any action that will impede their dealers from distributing, selling or servicing the divested heavy duty LCOE Trucks.

Under the terms of the proposed Final Judgment, defendants must accomplish the divestiture within ninety (90) calendar days after the date the Complaint is filed, or five days after notice of entry of the Final Judgment, whichever is later, to an acquirer that, in the United States's sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the development, production, and sale of heavy duty LCOE Trucks. The United States may extend the time period for divestiture two additional periods, each not to exceed 30 days. Defendants must use their best efforts to divest the VTNA LCOE Truck Business as expeditiously as possible and, until the ordered divestitures take place, the defendants must cooperate with any prospective purchasers.

If defendants do not accomplish the ordered divestitures within the prescribed time period, Section VI(A) of the proposed Final Judgment provides that the Court will appoint a trustee, selected by the United States, to complete the divestiture. The trustee may divest either the VTNA or Mack LCOE Truck Business. The trustee has the right, upon notice to the defendants and upon consultation with the United States, to add such other assets and agreements concerning necessary parts and components, in order to ensure the viability, competitiveness, and marketability of the Mack LCOE Truck Business.

If a trustee is appointed, the proposed Final Judgment provides the defendants must cooperate fully with the trustee and pay all the trustee's costs and expenses. The trustee's compensation will be structured to provide an incentive for the trustee based on the price and terms of the divestiture and the speed with which it is accomplished. After the trustee's appointment becomes effective, the trustee will file monthly reports with the United States and the Court setting forth the trustee's efforts to accomplish the required divestiture. If the divestiture is not accomplished within six months after the trustee's appointment, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate to carry out the purpose of the Final Judgment.

Until the divestiture is accomplished, the terms of the Hold Separate Stipulation and Order require the defendants to preserve, maintain, and continue to operate the VTNA and Mack LCOE Truck Businesses as independent, economically viable parts of ongoing competitive businesses, with the management, sales, and operations held separate from the post-merger company's other operations. The defendants will appoint two designated persons to monitor and ensure their compliance with these requirements.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal district court to recover three times the damages the person has suffered, as well as the costs of bringing a lawsuit and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no effect as prima facie evidence in any subsequent private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry of the decree upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final

Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**. Written comments should be submitted to: J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trail on the merits against the defendants. The United States is satisfied, however, that the diverstiture of either the VTNA or Mack LCOE Truck Business and other relief contained in the proposed Final Judgment will establish, preserve and ensure a viable competitor in the development, production, and sale of heavy duty LCOE Trucks in the United States. Thus, the United States is convinced that the proposed Final Judgment, once implemented by the Court, will prevent AB Volvo's acquisition of Renault V.I. from having adverse competitive effects.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty (60) day comment period, after which the Court shall determine whether entry of the proposed Final Judgment is ''in the public interest.'' In making that determination, the Court may consider—

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trail.

15 U.S.C. 16(e). As the Court of Appeals for the District of Columbia has held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. See *United States* v. *Microsoft Corp.*, 56 F. 3d 1448, 1458–62 (D.C. Cir. 1995).

In conducting this inquiry, ''the Court is nowhere compelled to go to trail or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.''[1] Rather,

> absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.[2]

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988), quoting *United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981); see also *Microsoft,* 56 F.3d at 1458. Precedent requires that

> the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''within the reaches of the public interest.'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[3]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. A ''proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' ''[4]

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459. Since the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that the court ''is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States might have but did not pursue. Id.

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: February 6, 2001.

Respectfully submitted,

Frederick H. Parmenter,
Senior Trail Attorney, U.S. Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (201) 307–0620.

[1] 119 Cong. Rec. 24,598 (1973). See *United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. See H.R. Rep. No. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), reprinted in 1974 U.S.C.C.A.N. 6535, 6538.

[2] *United States* v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas (CCH) 61,508, at 71, 980 (W.D. Mo. 1977); see also *United States* v. *Loew's Inc.*, 783 Supp. 211, 214 (S.D.N.Y 1992); *United States* v. *Columbia Artists Mgmt., Inc.*, 662 F. Supp. 865, 870 (S.D.N.Y. 1987).

[3] *United States* v. *Bechtel Corp.*, 648 F.2d at 666 (citations omitted) (empahsis added); see *United States* v. *BNS, Inc.*, 858 F.2d at 463; *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States* v. *Gillette Co.*, 406 F. Supp. at 716. See also *United States* v. *American Cyanamid Co.*, 719 F.2d 558, 565 (2d Cir. 1983), cert. denied, 465 U.S. 1101 (1984).

[4] *United States* v. *American Tel. & Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982) (quoting *Gillette,* 406 F. Supp. at 716), aff'd sub nom. *Maryland* v. *United States,* 460 U.S. 1001 (1983); *United States* v. *Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985); *United States* v. *Carrols Dev. Corp.*, 454 F. Supp. 1215, 1222 (N.D.N.Y. 1978).

Certificate of Service

I hereby certify under penalty of perjury that a copy of the COMPETITIVE IMPACT STATEMENT has been served upon Aktiebolaget Volvo; Volvo Trucks North America, Inc.; Renault S.A.; Renault V.I.S.A.; and Mack Trucks, Inc., by placing a copy of the aforementioned document in the U.S. Mail, directed to each of the above-named parties at the addresses given below, this 6th day of February, 2001.

Aktiebolaget Volvo and Volvo, Trucks North America, Inc., c/o Kevin Arquit, Esq., Clifford Chance Rogers & Wells LLP, 200 Park Avenue, New York, NY 10166–0153.

Renault S.A., Renault V.I.S.A. and Mack Trucks, Inc., c/o Richard J. Urowsky, Esq., Sullivan & Cromwell, 125 Broad Street, New York, NY 10004–2498.

Federick H. Parmenter,

Virginia Bar No.: 18184, Senior Trial Attorney, U.S. Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 307–0620.

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DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 00–CV–954 (RMU)]

Public Comments and Response on Proposed Final Judgment United States v. Alcoa Inc. and Reynolds Metals Company

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States of America hereby publishes below the comments received on the proposed Final Judgment in *United States* v. *Alcoa Inc., et al.*, Civil Action No. 00–CV–954 (RMU), filed in the United States District Court for the District of Columbia, together with the United States' response to the comments.

Copies of the comments and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, telephone: (202) 514–2481, and at the office of the Clerk of the United States District Court for the District of Columbia, United States Courthouse, Third Street and Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations, Antitrust Division.

United States' Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. 16(b)–(h), the United States hereby responds to the two public comments received regarding the proposed Final Judgment in this case.

I. Background

On May 3, 2000, the United States filed a civil antitrust complaint alleging that the proposed acquisition by Alcoa Inc. (''Alcoa'') of Reynolds Metals Company (''Reynolds'') would, if consummated, violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleged that the proposed merger would substantially lessen competition in the refining and sale of both smelter grade alumina (''SGA''), which is used to produce aluminum ingots, and chemical grade alumina (''CGA'' or ''hydrate''), an ingredient used in numerous industrial and consumer products. This competition has benefited consumers through lower prices and higher output. The proposed merger of Alcoa and Reynolds would substantially increase the concentration of the SGA and CGA markets, and the loss of competition would substantially enhance Alcoa's control over the prices of SGA and CGA, while also increasing the likelihood of anticompetitive coordination among the few remaining competitors in the SGA and CGA markets.

Simultaneously with the filing of the Complaint, the United States filed a proposed Final Judgment and Hold Separate Stipulation and Order that would permit Alcoa to complete its acquisition of Reynolds, but would require divestitures to preserve competition in the relevant markets.[1] The proposed Final Judgment requires Alcoa and Reynolds to divest all of Reynolds' interest in the Worsley Joint Venture, established by agreement dated February 7, 1980, and subsequently amended (the ''Worsley Interest'') and all assets, interests, and rights owned by Reynolds at Reynolds' alumina refinery located near Corpus Christi, Texas, that are used or held for use for alumina refining (the ''Corpus Christi Assets'') (collectively referred to as the ''Divestiture Assets'') to an acquirer or acquirers acceptable to the Antitrust Division of the Department of Justice (''DOJ'' or ''Department''). The Worsley Interest must be divested within two hundred seventy (270) days after the filing of the Complaint, or five (5) days after notice of entry of the Final Judgment by the Court, whichever is later. The Corpus Christi Assets must be divested within one hundred eighty (180) days after the filing of the Complaint, or five (5) days after notice of entry of the Final Judgment by the Court, whichever is later.

Until the required divestitures are completed, the terms of a Hold Separate Stipulation and Order entered into by the parties apply to ensure that the Divestiture Assets shall be maintained and operated as independent, ongoing, economically viable, and active competitors in the manufacture and sale of SGA and CGA.

On December 14, 2000, the United States notified Alcoa, pursuant to Part VI of the proposed Final Judgment, that it had no objection to Alcoa's proposed sale of the Corpus Christi Assets to BPU Reynolds, Inc., and no objection to Alcoa's proposed sale of the Worsley Interest to Billiton plc.

The United States, Alcoa and Reynolds have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. In compliance with the APPA, the United States filed the Competitive Impact Statement (''CIS'') in this docket on June 6, 2000. The Complaint, proposed Final Judgment and CIS were published in the **Federal Register** on June 21, 2000. The 60-day comment period required by the APPA has now expired with the United States having received two comments: one from the American Antitrust Institute and one from Mr. Charles A. Stille.

II. Response to the Public Comments

A. Legal Standard Governing the Court's Public Interest Determination

The Tunney Act directs the Court to determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e). In making that determination, the ''court's function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.'' *United States* v. *Western Elec. Co.,* 993 F.2d 1572, 1576 (D.C. Cir.), cert. denied, 510 U.S. 984 (1993). The Court should evaluate the relief set forth in the proposed Final Judgment and should enter the Judgment if it falls within the government's ''rather broad discretion to settle with the defendant

[1] The Court entered the Hold Separate Stipulation and Order on May 12, 2000.

within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *accord United States* v. *Associated Milk Producers,* 534 F.2d 113, 117–18 (8th Cir.), *cert. denied,* 429 U.S. 940 (1976). The Court should review the proposed Final Judgment ''in light of the violations charged in the complaint and * * * withhold approval only (a) if any of the terms appear ambiguous, (b) if the enforcement mechanism is inadequate, (c) if third parties will be positively injured, or (d) if the decree otherwise makes a 'mockery of judicial power.''' *Massachusetts Sch. of Law at Andover, Inc.* v. *United States,* 118 F.3d 776 783 (D.C. Cir. 1997) (quoting *Microsoft,* 56 F.3d at 1462). The Tunney Act does not empower the Court to reject the remedies in the proposed Final Judgment based on the belief that ''other remedies were preferable,'' *Microsoft,* 56 F.3d at 1460, nor does it give the Court authority to impose different terms on the parties. *See, e.g., United States* v. *American Tel. & Tel. Co.,* 552 F. Supp 131, 153, n.95 (D. D.C. 1982) (''*AT&T*''), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983) (mem.); *accord* H.R. Rep. No. 93–1463, at 8 (1974).

B. Response to American Antitrust Institute

The American Antitrust Institute (''AAI'') is ''pleased'' with the proposed Final Judgment but requests a second round of public comment once specific buyers have been found for the Divestiture Assets. AAI expresses concern that Alcoa will sell the assets to a ''weak or otherwise inappropriate buyer'' and believes that an additional round of comments ''will help us avoid this result.''

The Department objects to AAI's proposed second round of comments for three principal reasons. First, such a procedure would be inconsistent with procedures that courts have routinely applied in reviewing proposed Final Judgments. Second, such a procedure is unnecessary given the incentives and ability that the Department has to assure that divestitures are accomplished in a manner that protects competition. Third, the procedure proposed by AAI would itself create problems that might make divestitures in antitrust cases more difficult to accomplish.

1. The Tunney Act was enacted in 1974. Since that time, the Department has negotiated hundreds of consent decrees in merger cases that call for the divestiture of assets. In each instance, the public has been accorded an opportunity to comment upon the terms of the proposed Final Judgment. Often the court has proceeded to review and then enter the proposed Final Judgment before the purchaser of the to-be-divested assets has been selected, relying upon the Department to monitor the divestiture process. The Department has been unable to identify a single instance in which a court deferred entry of a proposed Final Judgment that was otherwise in the public interest in order to receive a second round of comments regarding the divestiture selection process.

AII has offered no basis for subjecting this case to a different process. Without explanation, AAI contends that the Department is subject to ''institutional pressure'' to accept ''any typically competent buyer'' and argues that this is not a ''sufficiently high standard.'' Yet, the test that the Department will apply to prospective purchasers in this case is no different than it applies in any other case. The Department is no less interested in assuring the preservation of competition in the SGA and CGA markets than is AAI, but AAI has simply provided the Court with no reason to deviate from the procedures that are routinely followed in other cases that are subject to the Tunney Act.

2. The procedures urged upon the Court by AAI are unnecessary because the Department has the incentives and ability to assure that the divestiture process is conducted in a proper manner. After concluding that the proposed transaction between Alcoa and Reynolds would be anticompetitive, the Department agreed to the proposed Final Judgment as a way to preserve the competition that existed prior to Alcoa's acquisition of Reynolds. Accordingly, the proposed Final Judgment is designed to ensure that the buyers of the divested assets will compete effectively against Alcoa and others in the industry, and the Department conducts a thorough investigation, as described below, before approving any particular purchaser.

The proposed Final Judgment contains provisions that (1) give the United States sole approval of the purchaser(s) of all the divested assets, (2) set forth the standards that the United States applies in evaluating proposed purchasers, and (3) require defendants Alcoa and Reynolds to provide information to the United States about the process undertaken by the defendants to select a buyer, as well as requiring information from defendants and the prospective purchaser for evaluation of the purchaser.

With regard to the standards that the proposed buyers must satisfy to be approved by the United States, Section IV.I. of the Proposed Final Judgment states:

> The divestitures, whether pursuant to Section IV or Section V of this Final Judgment, shall be made to a purchaser or purchasers with respect to whom it is demonstrated to the United States' sole satisfaction that (a) the purchaser or purchasers have the intent to compete effectively in the refining and sale of SGA or CGA; and (b) the purchaser or purchasers have the managerial, operational, and financial capability to compete effectively in the refining and sale of SGA or CGA.

The proposed Final Judgment also gives the United States the means to obtain information necessary to assess the process by which the buyer or buyers are selected, the capability of the buyers, and the transaction terms. Section VI.A. states that notice shall be given that:

> [S]ets forth the details of the proposed transaction and lists the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the business to be divested that is the subject of the binding contract, together with full details of the same.

One the United States receives such notice, Section VI.B. provides that:

> The United States, in its sole discretion, may request from Defendants, the trustee, the proposed purchaser or purchasers, or any other third party additional information concerning the proposed divestitures, the proposed purchaser or purchasers, and any other potential purchaser.

The provision also establishes deadlines by which time the information must be provided.[2]

After obtaining notice that the defendants have entered into a proposed transaction with a prospective purchaser of the divested assets, the Department begins an investigation into the transaction and prospective purchaser to review the selection process and analyze the managerial and financial ability of each purchaser.[3] Typically, Department staff requests from the defendants detailed information about the transaction, any previous or ongoing association with the

[2] Section IV.I. also provides protections against Alcoa's using any agreements with the purchaser or purchasers to prevent them from competing to the fullest extent against Alcoa:

> None of the terms of any agreement between the purchaser or purchasers and Defendants, including any joint venture, governance, operation or shareholder agreements, shall give Defendants the ability to limit the purchaser's capacity or output, to raise a purchaser's costs, to lower a purchaser's efficiency, or otherwise to interfere in the ability of the purchaser or purchasers to compete effectively.

[3] For example, in Fiscal Year 1999 and 2000, the Department resolved 38 merger cases by consent decree, 36 of which involved divestitures.

purchaser, and financial information about the assets. From the purchaser, staff typically will obtain financial statements, the proposal business plan, financing plans, and information about the proposed purchaser's assets. Interviews of relevant personnel, other bidders, competitors, and investment bankers are also often conducted. The Department's team of lawyers, economists, and financial analysts examines this information and makes a recommendation to approve or disapprove the purchaser. This recommendation typically whether the purchaser has the operational, managerial, and financial capacity to compete effectively over the long term, and whether the purchase agreement is free of any terms that might limit the purchaser's ability to compete effectively. This recommendation is reviewed within the Department and approved or disapproved. The parties are informed of the decision and, only if the decision is positive, may they proceed with the sale.

Other provisions permit the United States to review Alcoa's and Reynolds' adherence to the proposed Final Judgment's terms, both before and after the divestitures occur, by imposing obligations on Alcoa and Reynolds to provide information about their compliance with the proposed Final Judgment's divestiture provisions. Section VII.A. requires periodic affidavits ''as to the fact and manner of compliance with Section IV or Section V of this Final Judgment.'' The affidavits must include specific information about the defendants' attempts to solicit a purchaser or purchasers for the divested assets.[4]

In sum, the proposed Final Judgment's provisions empower the United States to review and approve the proposed purchaser or purchasers of the assets to be divested, and with these provisions, the United States is able to ensure that the purchasers of the assets are capable of competing effectively in the relevant markets. The various factors that AAI suggests are relevant to assessing a proposed purchaser, including ''financial strength, operational experience, and management quality of the new owners, as well as their history of competitive (or collusive) behavior,'' are examined by the United States under the provisions of the proposed Final Judgment.

3. The procedures proposed by AAI could actually have a counterproductive effect of making divestitures more difficult to accomplish. In conducting its investigation of proposed divestitures, the Department routinely obtains and relies upon highly sensitive competitive and financial information that a proposed purchaser is willing to provide to the Department on a confidential basis but would not be willing to make available publicly. The procedure envisioned by AAI, requiring the Department to provide a public explanation of why it approved a particular purchaser so that the public could comment, would inevitably require the Department to disclose such information, even though disclosure of such information could itself be competitively undesirable.[5]

Moreover, the procedures proposed by AAI would potentially delay the achievement of effective remedies to anticompetitive mergers. A second round of comments could delay entry of the proposed Final Judgment, which would extend the divestiture deadlines contained therein.

Any needless delay in the consummation of the divestitures would deny the public the benefits of the competition contemplated by the proposed Final Judgment.

A second round of public comment would also risk involving the Court in an inquiry that is not envisioned by the Tunney Act. Courts have repeatedly held that it is not within the ''public interest'' standard of Tunney Act to determine the ''best'' remedy or buyer. *See* Western Electric, 999 F.2d at 1516 (''the court's function is not to determine whether the resulting array of rights and liabilities ''is one that will best serve society,'' but only to confirm that the resulting ''settlement is, within the reaches of the public interest., (citing and quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981).'') There is no suggestion in the AAI request that the public comment process would be confined to consideration of the purchaser approved by the Department; indeed its comments suggest that it would want the Department to provide information from which AAI could evaluate the competitive potential of all potential buyers and urge the Court to second-guess the Department's decision. This is not an inquiry contemplated by the Tunney Act. *See Microsoft,* 56 F.3d at 1461.

For all of the foregoing reasons, the Court should reject AAI's proposal for a second round of public comments.

C. Response to Mr. Stille

Mr. Stille questions whether Alcoa, as the world's largest aluminum company, is a monopoly and whether there is competition in the aluminum industry in the United States, but does not provide a basis to reject the proposed Final Judgment. In its investigation into what Mr. Stille refers to as the overall ''aluminum industry,'' the Department determined that the industry consists of numerous separate product markets with varying geographic dimensions—some are local, some are worldwide. The Department then assessed the competitive implications of the loss of an independent Reynolds in those markets in which the merging firms compete with each other. After a thorough investigation, the Department concluded that competition would likely be substantially lessened in two markets, the worldwide for SGA and the North American market for CGA. Accordingly, the Department brought a case alleging that anticompetitive effects would be likely in those markets, and obtained relief in those markets designed to remedy the competitive harms posed by the proposed acquisition. Mr. Stille's comment does not offer any basis to conclude that the relief obtained is inadequate to redress the harm alleged in the complaint.

Because he argues for a case—one focused on the ''aluminum industry''—different from the one that the Department brought and does not address the relief ordered by the proposed Final Judgment, Mr. Stille's comment raises issues not relevant to this Tunney Act proceeding. The Tunney Act does not contemplate a judicial reevaluation of the government's determination of which violations to allege in the Complaint. ''Constitutional questions * * * would be raised if courts were to subject the government's exercise of its

[4] In addition to these provisions requiring that information be provided to the United States, Section X.A.1. of the proposed Final Judgment obligates Alcoa and Reynolds to permit compliance inspections by representatives of the Department of Justice of their ''books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the Defendants * * * relating to any matters contained in this Final Judgment and the Hold Separate Stipulation and Order.'' Pursuant to Section X.A.2., the United States may also interview, informally or on the record, ''officers, employees, and agents * * * regarding any such matters.'' Section X.B. states that: ''Upon the written request of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment and the Hold Separate Stipulation and Order.''

[5] For example, the Department reviews a prospective purchaser's business plan. Disclosure of such information could itself be anticompetitive by revealing to the defendants the purchaser's strategy for competing against them. It is precisely to guard against this risk that Section X.C. of the proposed Final Judgment provides protections against disclosure of the information obtained by the United States in the course of the approval process.

prosecutorial discretion to non-deferential review.'' *Massachusetts Sch. of Law at Andover, Inc.,* 118 F.3d at 783 (citing *Microsoft,* 56 F.3d at 1457–59). The government's decision not to bring a particular case based on the facts and law before it at a particular time, like any other decision not to prosecute, ''involves a complicated balancing of a number of factors which are peculiarly within [the government's] expertise.'' *Heckler* v. *Chaney,* 470 U.S. 821, 831 (1985). Thus, the Court may not look beyond the Complaint ''to evaluate claims that the government did not make and to inquire as to why they were not made.'' *Microsoft,* 56 F.3d at 1459; *see also Milk Producers,* 534 F.3d at 117–18.

The legal precedent discussed above holds that the scope of a Tunney Act proceeding is limited to whether entry of this particular proposed Final Judgment, agreed to by the parties as settlement of this case, is in the public interest. Thus, the entry of a governmental antitrust decree forecloses no private party from seeking and obtaining appropriate antitrust remedies for defendants' activities. Defendants will remain liable for any illegal acts, and any private party may challenge such conduct if and when appropriate.

III. Conclusion

After careful consideration of the comments, the United States concludes that entry of the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is in the public interest. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the Federal Register, as 15 U.S.C. 16(d) requires.

For Plaintiff United States of America:
Dated: January 16th, 2001.
Respectfully submitted,
Janet R. Urban,
Maryland Bar #222–32–2468.
Mark S. Hegedus,
D.C. Bar #435525.
Andrew K. Rosa,
Hawaii Bar #6366.
Michelle J. Livingston,
D.C. Bar #461268.

Trial Attorneys,
U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Suite 500, Washington, DC 20530, (202) 307–6470, (202) 307–2441 (facsimile).

Certificate of Service

I hereby certify that I have caused a copy of the foregoing United States' Response to Public Comments to be served on counsel for Defendants in this matter in the manner set forth below:

By first class mail, postage prepaid, and by facsimile: Mark Leddy, Cleary, Gottlieb, Steen & Hamilton, 2000 Pennsylvania Avenue, NW., Washington, DC 20006–1801.

Michael H. Byowitz, Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, NY 10019–6150.

January 16, 2001.

Andrew K. Rosa,

Hawaii Bar #6366, Trial Attorney, Antitrust Division, U.S. Department of Justice, 325 Seventh Street, NW., Suite 500, Washington, DC 20530, (202) 307–0886, (202) 616–2441 (fax).

The American Antitrust Institute

June 22, 2000.

Roger Fones, U.S. Department of Justice, 325 Seventh Street, NW, Suite 500, Washington, DC 20530.

Dear Mr. Fones: We are writing to convey the comments of The American Antitrust Institute regarding the proposed Final Judgment in *United States of America* v. *Alcoa Inc. and Reynolds Metals Company* (U.S. District Court, District of Columbia, Civil Action Number 1:00CV00954). Prior to a decision in that case, please publish these comments in the Federal Register, along with the Government's responses to them, pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h).

We are pleased that the proposed Final Judgment (in conjunction with the European Commission's requirement) would have the defendants sell off all of Reynolds' current alumina-refining capacity as a condition of the lawful merger of these two companies. As one can see from the AAI's monograph analyzing the competitive impact of this merger, previously provided to the Antitrust Division of the U.S. Department of Justice (*http://www.antitrustinstitute.org*, 2/23 link under ''Recent Activities''), we focused on the alumina market in our own analysis, because we feel that this market is where the merger poses the largest competitive threat.

Whether the proposed settlement of this investigation will preserve competition in the alumina market, however, cannot be determined at this time. The United States chose to condition its approval of the merger only on certain ''divestitures'' in the abstract, without having first approved particular buyers for the divested assets, as the antitrust agencies have sometimes done in other mergers. Given that decision, we would ask the Justice Department and the Court to allow a second phase of public comment once specific buyers have been found for the divested assets. At this point, the institutional pressure is great for the Justice Department to accept any typically competent buyer of the assets, and in this industry we feel that that may not be a sufficiently high standard. A second—possibly quite brief—public comment period would help insure that a higher standard is reached.

As Federal Trade Commission Chairman Robert Pitofsky noted in a February 17, 2000, speech about restructuring (including divestitures) in the merger-review process, ''the Commission in recent years has often insisted on knowing who the buyer or buyers [of divested assets] are likely to be, and on seeing the buyers' business plan,'' before entering a consent agreement.[1] Indeed, Chairman Pitofsky noted, ''[a] buyer up-front is now required in about 60% of Commission divestitures.''[2]

In our view, this is a laudable trend. Consider the conclusions of a 1999 study conducted by the FTC's Bureau of Competition in collaboration with the Bureau of Economics, which Chairman Pitofsky discussed in his February speech. The study reviewed 35 orders entered into between 1990 and 1994 that required the divestiture of assets as a result of FTC action, and determined which ones had succeeded in creating viable operations in the relevant market.[3] The result, according to Chairman Pitofsky, was that ''[i]n those instances in which divestiture did not work out, it usually was because the seller engaged in strategic conduct to seek out marginally effective buyers . . . or buyers, because of informational disadvantages and lack of experience in the particular markets involved, were unduly optimistic about their ability to compete effectively with the acquired assets.'' In other words, ineffective divestitures are generally caused by a poor selection of buyers.[4]

This is precisely our concern in the Alcoa/Reynolds case. We believe the new owners of the divested alumina refineries must be able to run them at least as efficiently as Reynolds has done in the past, and must be at least as well-positioned as Reynolds has been to compete with Alcoa for alumina sales, in order to insure against diminished competition. These determinations must be made on a case-by-case basis, considering the financial strength, operational experience, and management quality of the new owners, as well as their history of competitive (or collusive) behavior. Our research suggests that Alcoa is an unusually well-managed company in an industry where poor, high-cost, tradition-bound management is not uncommon. Thus, many of the potential buyers of the divested assets might have high overhead costs or unsophisticated management practices that would prevent them from competing meaningfully against a newly strengthened Alcoa.

Moreover, a buyer's suitability depends on what it is likely to do with its new alumina

[1] See Robert Pitofsky, ''The Nature and Limits of Restructuring in Merger Review'' (Feb. 17, 2000), or at *http://www.ftc.gov/speeches/pitofsky/restruct.htm.*

[2] Ibid., note 13, citing Richard G. Parker, ''Global Merger Enforcement'' (Sept. 28, 1999), available at *http://www.ftc.gov/speeches/other/barcelona.htm.*

[3] Federal Trade Commission Bureau of Competition Staff, ''A Study of the Commission's Divestiture Process'' (1999).

[4] As reported in the press release announcing the 1999 study of the divestiture process, William Baer, then director of the FTC's Bureau of Competition, assessed the study as follows: ''The study confirms the importance of one of the approaches currently being used by the Commission, the so-called 'up-front buyer,' where the buyer of the assets to be divested is identified earlier in the process. The use of the up-front buyer both reduces the likelihood that consumers will be harmed while waiting for the divestiture, and also assures that there will be an acceptable buyer.''

capacity. Will it sell at least as much alumina to third parties as Reynolds did, or will it use more of the alumina in its own aluminum smelter? To the extent that the alumina is used internally, will it simply substitute for third-party alumina that the owner previously purchased on the open market, or will it be used to expand aluminum production? The answers to such questions are buyer-specific, and could dramatically affect the future competitive dynamics of the aluminum industry.

For the above reasons, we once again urge the United States to allow some form of public comment on the proposed Final Judgment after buyers are found for the divested assets, even if the comment period is relatively brief. This is an industry with huge barriers to entry, relatively few large players, highly inelastic demand, and a history of antitrust problems. We cannot afford to tip the scales in an anticompetitive direction by allowing Alcoa to find weak or otherwise inappropriate buyers for the assets it is being asked to divest. A public explanation of the Government's reasons for approving specific buyers and a brief public comment on the buyers will help us avoid this result.

Sincerely,

Albert Foer,

President, American Antitrust Institute.

Matthew Siegel,

Research Fellow, American Antitrust Institute.

cc: The District Court for the District of Columbia, The Hon. Joel Klein, Assistant Attorney General for Antitrust.

700 S. Courthouse Road, Arlington, VA, 22204, June 8, 2000.

Ms. Janet Reno, Attorney General, The Department of Justice, Constitution Avenue at 10th Street, NW, Washington, DC 20530.

Dear Ms. Reno: One wonders why the federal government will permit the Aluminum Company of America (ALCOA) to take over Reynolds Metals Company (REYNOLDS).

On May 15, 1911, the Supreme Court dissolved Standard Oil Company.

The 13-year-old lawsuit against AT&T by the Justice Department was settled on January 8, 1982.

Now, the Justice Department is trying to break-up Microsoft Corporation.

If the above mentioned companies were and are monopolies, why isn't ALCOA included in that category, since it will become the world's largest aluminum producer? Where is the competition in the aluminum industry in the United States.

Sincerely,

Charles A. Stille.

[FR Doc. 01–4516 Filed 2–22–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 16, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail *King-Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register.**

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of 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, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: One-Stop Labor Market Information Grant Plan and Progress Reports.

OMB Number: 1205–0417.

Affected Public: State, Local, or Tribal Government and Federal Government.

Frequency: Annually and semi-annually.

Number of Respondents: 54.

Number of Annual Responses: 162.

Estimated Time Per Response: 36 hours to prepare and submit an annual plan and 6 hours to prepare and submit a semi-annual progress report.

Total Burden Hours: 2,592.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: ETA is requesting OMB approval for a grant annual plan narrative and two progress reports as part of the requirements for receiving One-Stop Labor Market Information (OS/LMI) core products and services reimbursement.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: One-Stop Occupational Employment Statistics Survey Plan and Progress Reports.

OMB Number: 1205–0418.

Affected Public: State, Local, or Tribal Government and Federal Government.

Frequency: Annually and semi-annually.

Number of Respondents: 54.

Number of Annual Responses: 162.

Estimated Time Per Response: 36 hours to prepare and submit an annual plan and 6 hours to prepare and submit a semi-annual progress report.

Total Burden Hours: 2,592.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: ETA is requesting OMB approval for a grant annual narrative and two progress reports as part of the requirements for receiving One-Stop Occupational Employment Statistics survey grant.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–4499 Filed 2–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made

available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC, this 12th day of February 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–4145 Filed 2–22–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL INSTITUTE FOR LITERACY

Advisory Board Meeting

AGENCY: National Institute for Literacy (NIFL).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Board (Advisory Board). This notice also describes the function of the Advisory Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

Date and Time: March 8, 2001 from 9:30 a.m. to 4 p.m., and March 9, 2001 from 9:30 a.m. to 12 Noon.

ADDRESSES: National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Shelly Coles, Executive Assistant, National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006. Telephone number (202) 233–2027, email scoles@nifl.gov.

SUPPLEMENTARY INFORMATION: The Advisory Board is established under the Workforce Investment Act of 1998, Title II of Public Law 105–220, Sec. 242, the National Institute for Literacy. The Advisory Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Advisory Board is

established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Advisory Board 's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Advisory Board performs the following function (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and Director of the Institute. In addition, the Institute consults with the Advisory Board on the award of fellowships. The National Institute for Literacy Advisory Board meeting on March 8–9, 2001, will focus on an overview of the NIFL programs and partnership-building efforts with the new Adminsitration; and other relevant literacy activities and issues. Records are kept of all Advisory Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006, from 8:30 am to 5 p.m.

Dated: February 16, 2001.

Andrew J. Hartman,

Director.

[FR Doc. 01–4495 Filed 2–22–01; 8:45 am]

BILLING CODE 6055–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration, Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–4 and NPF–7 issued to Virginia Electric and Power Company for operation of the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia.

The proposed amendments would revise Technical Specifications (TS) Figures 3.4–2 and 3.4–3, and associated Bases, by modifying the reactor coolant system (RCS) pressure/temperature (P/T) limit curves. In addition, these amendments would extend the cumulative core burnup applicability limits for the existing Low Temperature Overpressure Protection System (LTOPS) setpoints and LTOPS enable temperature values, and implement American Society of Mechanical Engineers (ASME) Section XI, Code Cases N–514 and N–640. Code Case N–640 utilizes the ASME Section XI, Appendix A critical initiation stress intensity curve instead of the ASME Section XI, Appendix G critical arrest stress intensity curve. Code Case N–514 allows the resetting of the LTOPS power-operated relief valve lift setpoints.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated[?]

The proposed changes modify the North Anna Units 1 and 2 RCS P/T limit curves and extend the cumulative core burnup applicability limits for the existing LTOPS setpoints and T_{enable} values. The allowable operating pressures and temperatures under the proposed RCS P/T limit curves are not significantly different from those allowed under the existing Technical Specification P/T limits. No changes to plant systems, structures, or components are proposed, and no new allowable operating modes are established. The P/T limits, LTOPS setpoints, and T_{enable} values do not contribute to the probability of occurrence or consequences of accidents previously analyzed. The revised licensing basis analyses utilize acceptable analytical methods, and continue to demonstrate that established accident analysis acceptance criteria are met. Therefore, there is no increase in the probability or consequences of any accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated[?]

The proposed changes modify the North Anna Units 1 and 2 RCS P/T limit curves, and extend the cumulative core burnup applicability of the existing LTOPS setpoints and T_{enable} values. No changes to plant systems, structures, or components are proposed, and no new allowable operating modes are established. Therefore, the proposed changes do not create the possibility of any accident or malfunction of a different type previously evaluated.

3. Does the change involve a significant reduction in the margin of safety[?]

The proposed revised RCS P/T limit curves, and revised LTOPS setpoint and T_{enable} analysis bases do not involve a significant reduction in the margin of safety for these parameters. The proposed revised RCS P/T limit curves use the ASME Section XI Code Case N–640 K_{1c} stress intensity formulation. The proposed revised LTOPS T_{enable} analysis bases use a plant-specific application of the analysis methodology that supports ASME Section XI Code Case N–514. These analysis features are less restrictive than those associated with the existing analyses, but are conservative with respect to requirements established by ASME Section XI. The effects of RCS pressure and temperature measurement uncertainty are considered in the supporting analyses. The proposed revised RCS P/T limit curves are valid to cumulative core burnups of 32.3 EFPY [effective full-power years] and 34.3 EFPY for North Anna Units 1 and 2, respectively. The proposed revised LTOPS setpoint and T_{enable} analyses support continued use of the existing North Anna Units 1 and 2 Technical Specification LTOPS setpoints and LTOPS enable temperatures to these same cumulative core burnup limits. The analyses demonstrate that established analysis acceptance criteria continue to be met. Specifically, the existing P/T limit curves, LTOPS setpoints, and LTOPS T_{enable} values provide acceptable margin to vessel fracture under both normal operation and LTOPS design basis (mass addition and heat addition) accident conditions. Therefore, the proposed changes do not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license

amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 26, 2001, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment requests involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated June 22, 2000, and supplemental letter dated January 4, 2001, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 16th day of February 2001.

For the Nuclear Regulatory Commission.

Stephen R. Monarque,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–4475 Filed 2–22–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection OPM 1530

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. OPM 1530, Report of Medical Examination of Person Electing Survivor Benefits Under the Civil Service Retirement System, is used to collect sufficient information from the required medical examination regarding an annuitant's health. This information is used to determine whether the insurable interest survivor benefits election can be allowed.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 500 OPM Forms 1530 will be completed annually. We estimate it takes approximately 90 minutes to complete the form. The annual burden is 750 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before April 24, 2001.

ADDRESSES: Send or deliver comments to: Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349A, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–4367 Filed 2–22–01; 8:45 am]

BILLING CODE 6325–50–U

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (The S&P 500 (R) Protected Equity Fund, Inc., Common Stock, $.10 Par Value) File No. 1–15437

February 15, 2001.

The S&P 500 (R) Protected Equity Fund, Inc. (''Issuer'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d)[2] thereunder, to withdraw its Common Stock, $.10 par value (''Security''), from listing and registration on the New York Stock Exchange (''NYSE'').

The Security is currently listed and registered on the NYSE and designated for quotation on the National Market of the Nasdaq Stock Market (''Nasdaq National Market''). The Issuer believes that the dealer market of the Nasdaq National Market has proven a better trading environment for its Security than the auction market of the NYSE. As a result, the Issuer has determined to continue quotation of its Security on the Nasdaq National Market, while withdrawing it from listing and registration on the NYSE in order to avoid the continuing costs of maintaining such listing.

The Issuer's application relates solely to the withdrawal of its Security from listing on the NYSE and registration under Section 12(b) of the Act[3] and shall have no effect upon the Security's continued designation for quotation on the Nasdaq National Market and obligation to be registered under Section 12(g) of the Act.[4]

The Issuer has stated in its application that it has complied with the requirements of NYSE Rule 500 governing the voluntary withdrawal of common stock from listing and registration on the exchange.

Any interested person may, on or before March 9, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the NYSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–4428 Filed 2–22–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 781(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 781(b).

[4] 15 U.S.C. 781(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24858; File No. 812–12188]

Lincoln Benefit Life Company, et al.

February 16, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order pursuant to section 26(b) of the Investment Company Act of 1940 (the ''1940 Act'').

Summary of Application: Applicants seek an order to permit the substitution of shares of certain management investment companies for shares of certain other management investment companies held by Lincoln Benefit Life Variable Annuity Account (''VA Account'') and Lincoln Benefit Life Variable Life Account (''VL Account'').

Applicants: Lincoln Benefit Life Company (''Lincoln Benefit''), VA Account and VL Account (together, the ''Separate Account Applicants''), and IAI Retirement Funds, Inc. (''IAI Applicant'').

Filing Date: The application was filed on July 25, 2000, and amended and restated on February 7, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request

a hearing by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 13, 2001, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W. Washington, D.C. 20549–0609. Applicants, c/o Carol Watson, Esq., General Counsel, Lincoln Benefit Life Insurance Company, 2940 South 84th Street, Lincoln, Nebraska 68506. Copies to Jorden Burt Boros Ciccehetti Berenson & Johnson, LLP, 1025 Thomas Jefferson Street, N.W., Suite 400 East, Washington, D.C. 20007–0806, Attention: Joan E. Boros, Esq.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Senior Counsel, or Keith E. Carpenter, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC, 450 Fifth Street, N.W., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. Lincoln Benefit is a stock life insurance company organized under the laws of the state of Nebraska in 1938. Lincoln Benefit is an indirect wholly-owned subsidiary of the Allstate Corporation.

2. The VA Account and the VL Account are segregated asset accounts of Lincoln Benefit. Lincoln Benefit established the VA Account and the VL Account in 1992, in accordance with the laws of the state of Nebraska. The VA Account and the VL Account are registered as unit investment trusts under the 1940 Act. Lincoln Benefit issues certain variable annuity contracts through the VA Account and variable life insurance policies through the VL Account (together, ''Contracts''). The variable interests under the Contracts are registered with the SEC under the Securities Act of 1933 (the ''1933 Act'').

3. The IAI Applicant was organized as a Minnesota corporation on September 16, 1993. The IAI Applicant currently issues shares in three investment portfolios: IAI Regional Portfolio, IAI Balanced Portfolio, and IAI Reserve Portfolio (collectively the ''Replaced Portfolios''). Shares of each of the Replaced Portfolios were sold only to the Separate Account Applicants for the purpose of funding certain Contracts. The IAI Applicant is registered as an open-end management investment company under the 1940 Act and its shares are registered as securities under the 1933 Act. The Replaced Portfolios are managed by Investment Advisors, Inc. (''IAI''). IAI is not affiliated with Lincoln.

4. Lincoln Benefit, on behalf of the Separate Account Applicants, proposes to substitute Class A shares of the Bond Portfolio of the Scudder Variable Life Investment Fund (''SVLIF'') for shares of the IAI Reserve Portfolio. SVLIF was organized as a Massachusetts business trust on July 16, 1985. It offers its shares in nine series and two classes. Class A Shares, which the Separate Account Applicants purchase, are offered at net asset value and are not subject to Rule 12b–1 fees. SVLIF is registered as an open-end management investment company under the 1940 Act, and its shares are registered as securities under the 1933 Act. Both classes of shares are sold only to insurance company separate accounts to fund variable life insurance policies and variable annuity contracts. Scudder Kempter Investments, Inc. serves as investment adviser to, among others, the SVLIF Bond Portfolio.

5. Lincoln Benefit, on behalf of the Separate Account Applicants, also proposes to substitute Institutional Class shares of the Balanced Portfolio of the Janus Aspen Series (''JAS'') for shares of the IAI Balanced Portfolio, and Institutional Class shares of the JAS Growth Portfolio for shares of the IAI Regional Portfolio. JAS was organized as a Delaware business trust on September 13, 1993. It offers its shares in thirteen portfolios and two or three classes, depending on the portfolio. Institutional Shares, which the Separate Account Applicants purchase, are offered at net asset value and are not subject to Rule 12b–1 fees. Institutional Shares are sold to insurance company separate accounts to fund variable life insurance policies and variable annuity contracts and to certain qualified plans. JAS is registered as an open-end management investment company under the 1940 Act and its shares are registered as a securities under the 1933 Act. Janus Capital serves as investment adviser to, among others, the JAS Balanced Portfolio and the JAS Growth Portfolio. (The SVLIF Bond Portfolio, JAS Balanced Portfolio, and JAS Growth Portfolio, are referred to collectively as the ''Replacement Portfolios''.)

6. IAI has announced publicly that a management team led by its president and chief investment officer has agreed in principle to acquire most of the business of IAI from its parent. In connection with this transaction, IAI is exiting the mutual fund business and the IAI Applicant has decided to discontinue making the Replaced Portfolios available as underlying investment options for variable insurance products. The IAI Applicant intends to liquidate the Replaced Portfolios as soon as possible after a substitution order is obtained from the SEC.

7. The IAI Applicant wishes to close the Replaced Portfolios primarily because IAI is exiting the mutual fund business. Because the Replaced Portfolios have not attracted sufficient Contract owner (''Owner'') interest, IAI has suffered annual operating losses on the Replaced Portfolios and has needed to provide continual fee and expense waivers for the IAI Reserve Portfolio since its inception. In addition, the Replaced Portfolios are not attracting meaningful asset growth and IAI does not foresee significant future growth in the Replaced Portfolios. The small size of the Replaced Portfolios also makes it difficult to manage their assets efficiently.

8. Lincoln Benefit has determined that in light of the impending closure of the Replaced Portfolios, it would be best for the company and the Owners to substitute the shares of the Replaced Portfolios with shares of other mutual funds having similar objectives that are currently available under the Contracts. Accordingly, Applicants request the SEC's approval to effect the following substitutions (collectively referred to as the ''Substitutions''):

(a) shares of SVLIF Bond Portfolio (Class A) for shares of IAI Reserve Portfolio;

(b) shares of JAS Balanced Portfolio (Institutional Class) for shares of IAI Balanced Portfolio; and

(c) shares of JAS Growth Portfolio (Institutional Class) for shares of IAI Regional Portfolio. (The SVLIF Bond Portfolio, JAS Balanced Portfolio, and JAS Growth Portfolio are referred to collectively as the ''Replacement Portfolios''.)

9. Lincoln Benefit will redeem for cash all of the shares of each Replaced Portfolio that it currently holds on behalf of the Separate Account Applicants at the close of business on the date selected for the Substitutions. Lincoln Benefit, on behalf of each Separate Account Applicant, will

simultaneously place a redemption request with each Replaced Portfolio and a purchase order with the corresponding Replacement Portfolio, so that each purchase will be for the exact amount of the redemption proceeds. As a result, at all times monies attributable to Owners then invested in the Replaced Portfolios will remain fully invested and will result in no change in the amount of any Owner's contract value, death benefit or investment in the applicable Separate Account Applicant.

10. The full net asset value of the redeemed shares held by the Separate Account Applicants will be reflected in the Owners' accumulation unit or annuity unit values following the Substitutions. Lincoln Benefit and IAI have undertaken to assume all transaction costs and expenses relating to the Substitutions, including any direct or indirect costs of liquidating the assets of the Replaced Portfolios, so that the full net asset value of redeemed shares of the Replaced Portfolios held by the Separate Account Applicants will be reflected in the Owners' accumulation unit or annuity unit values following the Substitutions.

11. Applicants anticipate that until the Substitutions occur, IAI will conduct the trading of portfolio securities in accordance with the investment objectives and strategies stated in the Replaced Portfolios' prospectuses and in a manner that provides for the anticipated redemptions of shares held by the Separate Account Applicants.

12. As part of the Substitutions, Lincoln Benefit will combine the sub-accounts of the Separate Account Applicants currently invested in the Replaced Portfolios with the sub-accounts currently invested in the corresponding Replacement Portfolios. Applicants state that each of the Contracts gives Lincoln Benefit the right to eliminate or add sub-accounts, combine two or more sub-accounts, or substitute one or more underlying mutual funds or portfolios for others in which one or more sub-accounts are invested. These contractual provisions have also been disclosed in the prospectuses or statements of additional information relating to the contract. Lincoln Benefit will schedule the Substitutions to occur after the issuance of the requested order and any required state insurance department approvals.

13. Applicants represent that affected Owners will not incur any fees or charges as a result of the Substitutions, nor will the rights or obligations of Lincoln Benefit under the Contracts be altered in any way. The proposed Substitutions will not have any adverse tax consequences to Owners. The proposed Substitutions will not cause Contract fees and charges currently being paid by existing Owners to be greater after the proposed Substitutions than before the proposed Substitutions. The proposed Substitutions will not be treated as transfers for the purpose of assessing transfer charges. Lincoln Benefit will not, with respect to shares substituted, exercise any right it may have under the Contracts to impose additional restrictions on transfers for a period of at least 30 days following the proposed Substitutions.

14. Lincoln Benefit has supplemented the prospectuses for the Contracts to reflect the Substitutions. Within five days after the Substitutions, Lincoln Benefit will send to Owners written notice of the Substitutions, identifying the shares of the Replaced Portfolios that have been eliminated and the shares of the Replacement Portfolios that have been substituted. Lincoln Benefit will include in such mailing the applicable prospectus supplement for the Contracts of the Separate Account Applicants describing the Substitutions. Lincoln Benefit does not intend to mail a copy of the prospectus for the Replacement Portfolios to the Owners, because they already will have received a copy of those prospectuses in the ordinary course. Owners will be advised in the Notice that for a period of thirty-one days from the mailing of the Notice (the ''Free Transfer Period''), Owners may transfer all assets, as substituted, to any other available subaccount without limitation or charge. In addition, Owners of VA Contracts, who as a result of the Substitutions are receiving variable annuity payments based on the Replacement Portfolios, will be permitted during the Free Transfer Period to transfer the substituted amounts to other sub-accounts, without limitation or charge, notwithstanding any limitation on such transfers in the variable annuity Contracts.

Applicants' Legal Analysis

1. Section 26(b) of the 1940 Act provides that ''[i]t shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the [SEC] shall have approved such substitution.'' Section 26(b) of the 1940 Act was enacted as part of the Investment Company Act Amendments of 1970. Prior to the enactment of these amendments, a depositor of a unit investment trust could substitute new securities for those held by the trust by notifying the trust's security holders of the substitution within five (5) days after the substitution. In 1966, the SEC, concerned with the high sales charges then common to most unit investment trusts and the disadvantageous position in which such charges placed investors who did not want to remain invested in the substituted security, recommended that Section 26 be amended to require that a proposed substitution of the underlying investments of a trust receive prior SEC approval.

2. Applicants' submit that the purposes, terms, and conditions of the Substitution are consistent with the principles and purposes of Section 26(b) and do not entail any of the abuses that Section 26(b) is designed to prevent. Owners will be assessed no charges whatsoever in connection with the Substitutions and their annual fund expense ratios are expected to decrease, in most cases significantly. In addition, to the extent an Owner does not wish to participate in the Substitutions, he or she is free to transfer to any other option available under the relevant Contract prior to the Substitutions and after the Substitutions without any transfer fee. Moreover, as described below, Owners will be substituted into a Replacement Portfolio whose investment objectives, policies and expenses are substantially similar or identical in all material respects to those of the Replaced Portfolio.

3. Applicants submit that the Substitutions do not present the type of costly forced redemption or other harms that Section 26(b) was intended to guard against and is consistent with the protection of investors and the purposes fairly intended by the 1940 Act for the following reasons:

(a) the Substitutions will continue to fulfill Owners' objectives and risk expectations, because the SVLIF Bond Portfolio and JAS Balanced Portfolio have objectives, policies, and restrictions substantially identical in all material respects to the objectives, policies, and restrictions of the corresponding Replaced Portfolios and, of the Portfolios currently available under the Contracts, the JAS Growth Portfolio has investment objectives, policies and restrictions most similar to those of the IAI Regional Portfolio;

(b) after receipt of the Notice informing an Owner of the Substitutions, an Owner may request that his or her assets be reallocated to another sub-account at any time during the Free Transfer Period without any limitation or charges. This right will be granted to Owners of VA Contracts who are receiving variable payments based on the Replaced Portfolios, even though the relevant VA Contracts usually do not permit transfer during the Annuity

Period. The Free Transfer Period provides sufficient time for Owners to consider their reinvestment options;

(c) the Substitutions will be at net asset value of the respective shares, without the imposition of any transfer or similar charge;

(d) Lincoln Benefit and IAI have undertaken to assume all expenses and transaction costs, including, but not limited to, legal and accounting fees and any brokerage commissions, in connection with the Substitutions;

(e) the Substitutions will in no way alter the contractual obligations of Lincoln Benefit or the rights and privileges of Owners under the Contracts;

(f) the Substitutions will in no way alter the tax benefits to Owners;

(g) the Substitutions are expected to confer certain economic benefits on Owners by virtue of enhanced asset size and lower expenses, as described below; and

(h) at the time of the Substitutions, the aggregate fees and expenses under each Replacement Portfolio are expected to be lower than those of the corresponding Replaced Portfolio. Applicants agree that Lincoln Benefit will not increase the contract charges or the total separate account charges (net of any waiver or reimbursement) of the sub-accounts that invest in the Replacement Portfolios for those Contract Owners affected by the Substitutions for a period of two years from the Substitution Date. Lincoln Benefit further agrees that if the total operating expenses for any Replacement Portfolio (taking into account any expense waiver or reimbursement) for any fiscal quarter for the two-year period following the Substitution Date exceed on an annualized basis the relevant Maximum Portfolio Expense Limit as stated below (which is the net expense ratio for each corresponding Replaced Portfolio for the fiscal year ended December 31, 1999), Lincoln Benefit will make a corresponding reduction (through waiver or reimbursement) in the separate account expenses for that quarter of the sub-account that invests in such Replacement Portfolio for Contract Owners who were affected by the Substitution. The Maximum Portfolio Expense Limits for the Replacement Portfolios are: 1.01% for the SVLIF Bond Sub-account; 0.97% for the JAS Balanced Sub-account; and 0.88% for the JAS Growth Sub-account.

4. Applicants assert that the Replacement Portfolios and the Replaced Portfolios will have investment objectives and policies that are substantially the same or identical in all material respects.

5. IAI Reserve Portfolio's investment objective is to provide high levels of capital stability and liquidity and, to the extent consistent with these primary objectives, a high level of current income. The IAI Reserve Portfolios pursues its objectives by investing primarily in a diversified portfolio of investment grade debt securities. In order to achieve the objectives of capital stability and liquidity, the IAI Reserve Portfolio maintains a dollar weighted average maturity of its investment portfolio of twenty-five (25) months or less.

6. SVLIF Bond Portfolio's investment objective seeks to provide a high level of income consistent with ha high quality portfolio of debt securities. The SVLIF Bond Portfolio pursues its objective by investing at least 65% of its assets in bond. The SVLIF Bond Portfolio is permitted to invest in corporate bonds, U.S. government and agency bonds, mortgage and asset-backed securities and foreign debt securities. Under normal conditions, the SVLIF Bond Portfolio invests at least 65% of its assets in bonds rated in the top three grades of credit quality. While the SVLIF Bond Portfolio may invest in bonds of any maturity, its managers intend to seek to keep the average duration between four to six years.

7. IAI Balanced Portfolio's investment objective is to maximize total return. The IAI Balanced Portfolio pursues its objective by investing in a broadly diversified portfolio of stocks and debt securities. The IAI Balanced Portfolio's investments in common stocks are primarily in large capitalization companies ($1 billion capitalization at the time of purchase) that IAI believes have solid competitive advantages and extremely high financial quality at attractive fundamental valuations. The IAI Balanced Portfolio is also permitted to invest in all types of debt securities, including securities issued by the U.S. government or its agencies, mortgage and asset-backed securities, zero coupon securities, payment-in-kind bonds and high-yield, non-investment grade debt securities commonly referred to as ''Junk Bonds.''

8. JAS Balanced Portfolio's investment objective is to seek long-term capital growth, consistent with preservation of capital and balanced by current income. Under normal conditions, JAS Balanced Portfolio pursues its objective by investing 40-60% of its assets in common stocks selected for their growth potential and 40-60% its assets in all types of debt and equity securities which Janus Capital believes have income potential, including investing up to 35% of its assets in Junk Bonds. JAS Balanced Portfolio is also permitted to invest in foreign securities, indexed/structured securities, options, futures, swaps and special situations.

9. IAI Regional Portfolio's investment objective is capital appreciation. The IAI Regional Portfolio pursues its investment objective by investing primarily in the common stocks of issuers headquartered in Minnesota, Wisconsin, Iowa, Illinois, Nebraska, Montana, North Dakota and South Dakota.

10. JAS Growth Portfolios investment objective is to seek long-term capital growth in a manner consistent with the preservation of capital. The JAS Growth Portfolio pursues its investment objective by investing in the common stocks of issuers, of any size, selected by Janus Capital for their growth potential. The LAS Growth Portfolio generally invests in larger more established companies. The JAS Growth Portfolio is also permitted to invest up to 35% of its assets in Junk Bonds as well as foreign equity securities, debt securities, indexed/structured securities, options, futures, swaps and special situations. The JAS Growth Portfolio is also permitted to invest in derivatives for hedging and non-hedging purposes.

11. According to the Applicants, no other investment option currently available under the Contracts has the same regional focus as the IAI Regional Portfolio. Further, Applicants state that they are not aware of any other mutual fund available for purchase by insurance company separate accounts that has that regional focus. From among the current investment options under the Contracts, JAS Growth Portfolio is the nearest math to the IAI Regional Portfolio, because both Portfolios have capital growth as a primary investment objective and both Portfolios use growth potential as a primary criteria in selecting stock in which to invest.

12. Accordingly, Lincoln Benefit has specifically determined that the Replacement Portfolios are appropriate investment vehicles for Owners who have allocated value to the Replaced Portfolios and that the Substitutions will be consistent with Owners' investment objectives and risk expectations.

13. Applicants submit that the fees and expenses of the Replacement Portfolios will be less than the Replaced Portfolios' fees and expenses, even though Lincoln Benefit is entitled to receive a service fee from the investment advisers for each of the

Replacement Portfolios in return for providing certain administrative services and Lincoln Benefit does not receive any such fees from IAI, the adviser to the Replaced Portfolios. Accordingly, Applicants assert that the proposed Substitution poses no concerns in connection with the fees and expenses that will arise therefrom.

EXPENSE RATIOS [1]

[As a percentage of average daily net assets]

	(In percent)
IA1 Reserve Portfolio [2]:	
Management Fee	0.45
Other Expenses	1.21
Total Expenses (before waiver)	1.66
Total Expenses (after waiver)	1.01
IAI Balanced Portfolio [3]:	
Management Fee	0.65
Other Expenses	0.34
Total Expenses (before waiver)	0.99
Total Expenses (after waiver)	0.977
IAI Regional Portfolio:	
Management Fee	0.65
Other Expenses	0.23
Total Expenses	0.88
SVLIF Bond Portfolio:	
Management Fee	0.475
Other Expenses	0.095
Total Expenses	0.57
Total Expenses	0.57
JAS Balanced Portfolio:	
Management Fee	0.65
Other Expenses	0.02
Total Expenses	0.67
Total Expenses	0.67
JAS Growth Portfolio:	
Management Fee	0.65
Other Expenses	0.02

EXPENSE RATIOS [1]—Continued

[As a percentage of average daily net assets]

	(In percent)
Total Expenses	0.67

[1] The Expense Ratios for the Replaced Portfolios and the SVLIF Bond Portfolio are based on expenses for the fiscal year ending December 31, 1999. The Expense Ratios for the JAS Portfolios are based on expenses for the fiscal year ending December 31, 1999, restated to show the effect of an amendment to the investment advisory agreement reducing the management fee for both Portfolios. The actual expense ratios for each JAS Portfolio in the fiscal year ending December 31, 1999 was 0.69% of average daily net assets, and the actual management fee was 0.67 of average daily net assets. The reduction in the management fee became effect on May 1, 2000.

[2] IAI voluntarily waived certain expenses for the IAI Reserve Portfolio and the IAI Balanced Portfolios in the fiscal year ending December 31, 1999, and intends to continue to waive expenses in the current fiscal year.

14. Each of the Replacement Portfolios has significantly more assets than the corresponding Replaced Portfolio. It is expected that the lower expense ratios should continue as a result of the significantly greater assets of the Replacement Portfolios.

[3] See note 2 supra.

TOTAL NET ASSETS

[As of December 31, 1999]

	In millions
Replaced Portfolios [1]:	
IAI Reserve	0.6
IAI Balanced	3.8
IAI Regional	13.4
Replacement Portfolios:	
SVLIF Bond	94.0
JAS Balanced	2,453.1

TOTAL NET ASSETS—Continued

[As of December 31, 1999]

	In millions
JAS Growth	2,942.7

[1] As of December 31, 2000, the total Net Assets (unaudited) of the Replaced Portfolios had declined to the following amounts: for IAI Reserve Portfolio, $0.5 million; for IAI Balanced Portfolio, $2.8 million; for IAI Regional Portfolio, $8.2 million.

15. As shown in the following table, the total assets currently invested under the Contracts in the sub-accounts investing in the Replacement Portfolios are significantly greater than the total assets in the sub-accounts investing in the Replaced Portfolios.

TOTAL ASSETS INVESTED UNDER THE CONTRACTS

[As of December 31, 2000 (unaudited)]

	In millions
Replaced Portfolios:	
IAI Reserve	0.5
IAI Balanced	2.8
IAI Regional	8.2
Replacement Portfolios:	
SVLIF Bond	5.9
JAS Balanced	56.2
JAS Growth	101.3

16. The total returns of the Replacement Portfolios generally have been higher than the returns of corresponding Replaced Portfolios. Applicants submit that while there is no guarantee that past performance will continue, the return data provided support their view that the Substitutions are not expected to give rise to diminution in performance or other adverse effects on Contract values.

AVERAGE ANNUAL TOTAL RETURNS

[As of December 31, 1999]

Portfolio	One year (In percent)	Five years (In percent)	Ten years of since inception (In percent)
IAI Reserve	2.89	4.60	4.40 (since 4/7/94).
SVLIF Bond	−0.95	6.95	7.37 (since years).
IAI Balanced	3.87	11.62	10.150 (since 2/3/94).
JAS Balanced	26.76	24.68	20.62 (since 9/1/93).
IAI Regional	18.37	15.29	12.93 (since 1/31/91).
JAS Growth	43.98	29.89	24.28 (since 9/13/93).

Conclusion

For the reasons summarized above, Applicants assert that the requested order meets the standards set forth in section 26(b) of the 1940 Act, and should, therefore, be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4496 Filed 2–22–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43969; File No. SR–CBOE–01–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Amend Its Rules To Allow for $0.50 Strike Price Intervals for Options Based on Certain Index Portfolio Shares

February 15, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 31, 2001, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules to allow for $0.50 strike price intervals for options based on certain Index Portfolio Shares (''IPSs'').

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to establish $0.50 strike price intervals for options based on certain IPSs. More specifically, the Exchange intends to list options on the iShares S&P 100 Index Fund (ticker symbol ''OEF''), an IPS which currently trades on the Exchange. OEF is an exchange-traded fund that represents ownership in an open-end management company established to hold a portfolio of stocks replicating the S&P Index (''Index'' or ''S&P 100''). It holds substantially all of the securities of the Index in approximately the same proportions as reflected in the Index.

The Exchange will list options on OEF pursuant to the criteria set forth in *Interpretations and Policies* .06 under CBOE Rule 5.3.[3] However, the Exchange believes that it is appropriate to amend CBOE Rule 5.5, by adding *Interpretations and Policies* .06, to provide that options on OEF be set to $0.50 or greater strike price intervals. These ½ point increments would correspond favorably to the 5-point increments in certain broad-based index options traded on the Exchange, such as the S&P 100 (''OEX'') and S&P 500 (''SPX''), because the size of the OEF-based contract will be approximately one-tenth of the size of the option contracts on the OEX. Accordingly, the Exchange believes that to effectively compliment existing CBOE products and to help ensure efficient trading of OEF options, adopting $0.50 strike price intervals for OEF options is necessary.

The Exchange recognizes that adding series of options for trading under the proposed rule change may result in a slight increase in message traffic; however, the Exchange represents that it has the necessary systems capacity to support any additional series of options that may be added under the proposed rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[4] in general, and furthers the objectives of Section 6(b)(5) of the Act[5] in particular, in that it will permit trading in options based on OEF pursuant to strike intervals designed to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional CBOE product.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[6] of the Act and Rule 19b–4(f)(6)[7] thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange seeks to have the proposed rule change become operative on January 31, 2001, to allow

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] CBOE Rule 5.3 describes the criteria for underlying securities. Specifically, *Interpretations and Policies* .06 under CBOE Rule 5.3 indicates which securities are deemed appropriate for options trading.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] Under Rule 19b–4(f)(6)(iii), the Exchange must given written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the rule change, or such shorter time as designated by the Commission. As required, the Exchange has provided the Commission with written notice of its intent to file the proposed rule change.

it to implement these $0.50 strike price intervals immediately.

The Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative immediately as of January 31, 2001.[9] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–01–02 and should be submitted by March 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4498 Filed 2–22–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43968; File No. SR–NASD–01–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1 and 2 by the National Association of Securities Dealers, Inc. Relating to Access to, and Fees Assessed for, the Automated Confirmation and Transaction Service

February 15, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On February 8, 2001, Nasdaq amended the proposal.[3] On February 13, 2001, Nasdaq again amended the proposal.[4] Nasdaq filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[5] and Rule 19b–4(f)(6) thereunder,[6] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 7010(g) to create ''Nasdaq ACT,'' an internet-based means for member firms to report trades to the Automated Confirmation and Transaction (''ACT'') Service. Nasdaq also proposes to establish fees to be assessed for the use of Nasdaq ACT. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deletions are in brackets.

Rule 7010 System Services

(a)–(f) No Change.

(g) Confirmation Transaction Service (ACT):

Transaction Related Charges:

Comparison	$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Automated Give-Up	$0.01/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Late Report—T+N	$0.288/side
Browse/query	$0.288/query [1]
Terminal fee	$57.00/month (ACT only terminals)
CTCI fee	$575.00/month
Nasdaq ACT	*$300/month (full functionality) or $150/month (up to an average of twenty transactions per day each month)* [2]
Service desk	$57.00/month [2] [3]
Trade Reporting	$.029/side (applicable only to reportable transaction not subject to trade comparison through ACT) [3] [4]
Risk Management Charges	$.035/side and $17.50/month per correspondent firm

Footnotes

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[9] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* February 8, 2001 letter from Jeffrey S. Davis (''Davis''), Assistant General Counsel, Nasdaq, to Katherine A. England (''England''), Assistant Director, Division of Market Regulation (''Division''), SEC (''Amendment No. 1''). In Amendment No. 1, Nasdaq converted the proposal to a non-controversial filing pursuant to Section 19(b)(3)(A) and Rule 19b–4(f)(6). 15 U.S.C. 78s(b)(3)(A) and 17 CFR 240.19b–4(f)(6). Nasdaq also asked the Commission to waive the 30-day operative waiting period. The Commission considers Nasdaq's original filing as satisfying the 5-day pre-filing notice requirement. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii). For purposes of calculating the 60-day abrogation period, the Commission considers the period to commence as of February 8, 2001, the date of the last substantive amendment to the proposal.

[4] *See* February 13, 2001 letter from Davis to England (''Amendment No. 2''). In Amendment No. 2, Nasdaq completely replaced the original proposed rule language with new language, to correct inaccuracies in the text of the proposed rule as it was originally filed. The new proposed rule language in Amendment No. 2 does not change the substance of the proposal, which creates a new method for accessing ACT, and establishes fees for using the new method of access. Telephone conversation between Davis and Joseph Morra, Special Counsel, Division, SEC, February 13, 2001.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[1]Each ACT query incurs the $0.288 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than $0.288 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the $0.288 query charge.

[2] *For the purposes of this service only, a transaction is defined as an original trade entry, either on trade date or as-of transactions per month.*

[2] [3] The ACT service desk is available to ACT participants that: (1) do not have access to Nasdaq equipment and that average five or fewer trades per day during the previous calendar quarter; or (2) utilized the Nasdaq Workstation I to report trades as of June 1999, do not have access to Nasdaq equipment, and average 20 or fewer trades per day during the previous calendar quarter.

[3] [4] The trade reporting service charge is applicable to those trades input into ACT for reporting purposes only, such as NSCC Qualified Special Representative reports and reports of internalized transactions.

(h)–(p) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to amend NASD Rule 7010(g) to create Nasdaq ACT, an internet-based ACT service that will permit NASD members to report trades to ACT. Nasdaq ACT will offer functionality that is identical to that offered through the current modes of reporting to ACT, as described below. Nasdaq also proposes to establish fees to be assessed for the use of Nasdaq ACT.

ACT is the Nasdaq system used by members to report and compare trades for clearance and settlement, and to transmit trade reports for regulatory purposes and public dissemination. After members enter trade information into ACT (as required by NASD ACT and trade-reporting rules),[7] the system sends locked-in trades to clearing. Under current NASD rules, members must report trades to ACT for certain transactions executed in the over-the-counter market, including transactions in Nasdaq National Market securities (''NNM''), Nasdaq SmallCap securities (''SmallCap''), Over-the-Counter Bulletin Board (''OTCBB'') securities, Nasdaq convertible debt securities, exchange-listed securities effected in the over-the-counter market, and securities traded exclusively in the over-the-counter market (*e.g.,* Pink Sheet securities).[8]

There generally are three methods to report trades to ACT: (1) Ordering a Nasdaq Workstation II service (''NWII''); (2) using the Nasdaq ACT Service Desk; or (3) having another firm that has access to ACT through the NWII trade report (commonly known as a ''give-up'' relationship). Each mode of trade-report entry accomplishes the same result, but they have different characteristics. The NWII offers the full-range of ACT functionality, including entry of trade reports, ACT trade scan, comparison of trade reports, No/Was trade corrections, trade statistics, risk management requests, risk management scan, risk management alerts, clearing broker scan, and various clearing alerts. NWII is the optional delivery mechanism for large NASD members, many of whom use the wide-ranging functionality that it offers in addition to ACT.

The ACT Service Desk was designed as a cost effective method of trade reporting for firms that effect very few transactions in Nasdaq securities or other securities traded in the over-the-counter market.[9] As such, NASD rules limit participation in the ACT Service Desk to only those members who do not have access to Nasdaq equipment and who have effected an average of five or fewer trades per day during the previous calendar quarter.[10] If a firm has reported more than five trades per day during the previous calendar quarter, the firm must either order a NWII to report trades or enter into a give-up arrangement.[11]

In a ''give-up'' arrangement, a member who reports or accepts a trade in ACT on behalf of another member would identify in the ACT screen give-up box the member on whose behalf the trade was being reported or accepted. Where the executing broker accepts a trade that has been reported by another member, the reporting member would have to report the trade with the executing broker as the contra-side and identify the prime brokerage customer as the contra-side give-up. The executing broker may then accept the trade as presented. This would avoid a second trade report and ensure that the prime brokerage customer is identified to the NASD.

Nasdaq Act will provide the same basic ACT features and functions offered through the NWII service. In the case of Nasdaq ACT, however, clients that use some but not all ACT functionality will have the opportunity to reduce their expenses by purchasing a scaled-back version of the service. Specifically, users will be able to purchase Nasdaq ACT with full ACT functionality for $300 per month per terminal. On the other hand, users that need only the trade entry and trade query function (and not risk management) and who enter an average of 20 or fewer trades per day per month will be assessed $150 per month per terminal.

Nasdaq believes that Nasdaq ACT will be a cost-effective alternative for many users that are currently accessing ACT. For instance, clearing firms use ACT to manage their risk with their clients to ensure that the clients to not extend their trading activity beyond their ''cap'' limits. Back-office personnel use ACT to compare trades effected on their trading floors. These users do not take advantage of the quote engine or the other execution systems offered on NWII. In addition, some market participants may choose to use Nasdaq ACT to serve as a back-up or redundancy for their NWII terminals.

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with Section 15A(b)(6) of the Act,[12] which requires, among other things, that the Association's rules must be designed to foster cooperation and coordination with person engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market

[7] *See* NASD Rules 4630, 4640, 4650, 6100, 6400, 6600, and 6700.

[8] *Id.*

[9] The ACT Service Desk is a phone-based service that allows firms to report trades over the phone to Nasdaq Market Operations staff, who in turn input the trades into the Act system for dissemination to the tape. *See generally,* Securities Exchange Act Release No. 27908 (April 17, 1990), 55 FR 15313 (April 23, 1990) (SR–NASD–90–15) (notice establishing ACT Service Desk).

[10] *See* footnote to NASD Rule 7010(g).

[11] *See* footnote to NASD Rule 7010(g).

[12] 15 U.S.C. 78o–3(b)(6)

and a national market system, and, in general to protect investors and the public interest. Nasdaq believes that the proposed rule change is consistent with the purposes of the Act in that it will provide a cost effective and efficient mechanism to report trades, and therefore facilitate clearance and settlement. Additionally, Nasdaq believes the proposed rule change will enhance the process by which members engage in the comparison and clearing of securities transactions.

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[13] which requires that the Association's rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[16]

Nasdaq has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become immediately operative upon filing, because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow member firms that wish to report trades to ACT via the internet to access the service immediately. The Commission finds no reason to require NASD members to wait 30 days before participating in a service that is designed to be both efficient and cost-effective. For these reasons, the Commission finds good cause to designate that the proposal become operative upon filing.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–01–05 and should be submitted by March 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4427 Filed 2–22–01; 8:45 am]

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[13] 15 U.S.C. 78o–3(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] The 60-day abrogation period began February 8, 2001. *See* footnote 3, *supra.*

[17] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43971; File No. SR–PCX–00–05]

Self-Regulatory Organizations; Order Granting Partial Approval of Proposed Rule Change and Notice of Filing and Order Granting Partial Accelerated Approval of Amendments No. 2 and 3 to the Proposed Rule Change by the Pacific Exchange, Inc. Relating to Its Automatic Execution System

February 15, 2001.

I. Introduction

On March 8, 2000, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow broker-dealer orders to be eligible for automatic execution through the Exchange's Automatic Execution system (''Auto-Ex'') on an issue-by-issue basis. The Exchange also proposed to adopt rules to establish means of improving compliance with rules pertaining to the use of Auto-Ex. On June 27, 2000, the PCX filed Amendment No. 1 to the proposed rule change.[3] Notice of the proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on July 25, 2000.[4] The Commission received four comment letters with respect to the proposal.[5] On January 18, 2001, the PCX filed Amendment No. 2 to the proposed rule change.[6] On January 26, 2001, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Michael D. Pierson, Vice President, Regulatory Policy, PCX, to Gordon Fuller, Special Counsel, Division of Market Regulation (''Division''), Commission, dated June 26, 2000 (''Amendment No. 1''). In Amendment No. 1, the PCX revised some of the text of the proposed rule change.

[4] Securities Exchange Act Release No. 43049 (July 18, 2000), 65 FR 45810.

[5] *See* letters from David B. Bayless, Morrison & Foerster LLP (''Morrison & Foerster''), to Jonathan G. Katz, Secretary, Commission, dated August 14, 2000 (''Morrison & Foerster Letter''); David M. Battan, Vice President and General Counsel, Interactive Brokers LLC (''Interactive Brokers''), to Jonathan G. Katz, Secretary, Commission, dated August 15, 2000 (''Interactive Brokers Letter''); Mike Ianni, to Jonathan G. Katz, Secretary, Commission, dated August 9, 2000 (''Ianni E-Mail''); and William M. Thomas, Member of Congress, forwarding a letter from Austin Kalb, Chief Executive Officer, OutSource International Corporation (''OutSource International''), to Jonathan G. Katz, Secretary, Commission, dated August 14, 2000 (''OutSource International Letter'').

[6] *See* letter from Cindy Sink, Senior Attorney, Regulatory Policy, PCX, to Sapna Patel, Attorney, Division, Commission, dated January 17, 2001

PCX filed Amendment No. 3 to the proposed rule change.[7] This order approves the portions of the proposed rule change relating to provisions to establish means of improving compliance with the Exchange's Auto-Ex rules, as set forth below; grants accelerated approval to Amendments No. 2 and 3 to those portions of the proposed rule change; and solicits comments form interested persons on these amendments.[8]

Below is the final text of the approved portions of the proposed rule change, as amended. Proposed new language is *italicized*; proposed deletions are in brackets.

* * * * *

¶ 5231 Automatic Execution System

Rule 6.87*(a). Definitions. For purposes of Rule 6:*

(1) The term ''Auto-Ex'' means the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options.

(2) The term ''User'' means any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm.

(3) The term ''Order Entry Firm'' means a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex.

(b) Eligible Orders.

(1) [(a).] Only non-broker/dealer customer orders are eligible for execution on the Exchange's *Auto-Ex System* [Automatic Execution System (''Auto-Ex'')]. For purposes of this Rule, the term ''broker/dealer'' includes foreign brokers/dealers.

(2) [(b)] The Options Floor Trading Committee (''OFTC'')[9] shall determine the size of orders that are eligible to be executed on Auto-Ex. Although the order size parameter may be changed on an issue-by-issue basis by the OFTC, the maximum order size for execution through Auto-Ex is as follows:

(A)[(1)] Equity Options: the maximum order size for execution through Auto-Ex for equity options is one hundred (100) contracts;[10]

(B)[(2)] Index Options: the maximum order size for execution through Auto-Ex is one hundred (100) contracts for:

(i)[(A)] the PSE Technology Index;

(i)[(B)] the Wilshire Small Cap Index; and

(iii)[(C)] the Morgan Stanley Emerging Growth Index.[11]

(3)[(c)] The [Options Floor Trading Committee] *OFTC* may increase the size of Auto-Ex eligible orders in one or more classes of multiply traded equity options to the extent that other exchanges permit such larger-size orders in multiply traded equity options of the same class or classes to be entered into their own automated execution systems. If the [Options Floor Trading Committee] *OFTC* intends to increase the Auto-Ex order size eligibility pursuant to this Rule, the Exchange will notify the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Exchange Act.

(c) Order Entry Firm Registration Participation in Auto-Ex as an Order Entry Firm requires registration with the Exchange. Continued registration depends upon the Order Entry Firm's initial and continuing compliance with the following requirements:

(1) Execution of an Auto-Ex Order Entry Firm Application Agreement with the Exchange;

(2) Compliance with all applicable PCX options trading rules and procedures;

(3) Written notice must be provided to all Users regarding the proper use of Auto-Ex; and

(4) Maintenance of adequate procedures and controls that will permit the Order Entry Firm of effectively monitor and supervise the entry of electronic orders by all Users. Order Entry Firms must monitor and supervise the entry of orders by Users to prevent the prohibited practices set forth in subsection (d).

(d) Prohibited Practices. Prohibited practices include, but are not limited to, the following:

(1) Entering an order for an account that is ineligible for execution on Auto-Ex pursuant to subsection (b), above.

(2) Dividing an order involving a single investment decision into multiple smaller lots for the purpose of meeting the order size requirements for Auto-Ex eligibility.

(A) Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series entered within any 15-second period for the account of the same beneficial owner will be presumed to be based on a single investment decision.

(B) Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series entered outside of any 15-second period for the account of the same beneficial owner will be deemed to be separate investment decisions; provided, however, that no Order Entry Firm may divide up to permit an existing order to be divided up to make its parts eligible for entry into Auto-Ex.

(3) Entering orders via POETS to perform a market making function as provided in Rule 6.88(c).

(4) Effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a) and SEC Rule 10b.5.

[(d)] Firms entering orders for execution on Auto-Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex.]

(e)–(k)—[(d)–(j)]–No change.

* * * * *

POETS

¶5231D Pacific Options Exchange Trading System

Rule 6.88 (a)–(b)–No change.

(c) Entering orders via POETS to perform a market making function is prohibited. No member or person associated with a member may use POETS on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person associated with a member is using the POETS system to perform a market making function, the Exchange will consider the following factors; the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series.

* * * * *

II. Description of the Proposal

In 1990, the Commission approved the Exchange's POETS system on a pilot program basis and, in 1993, POETS was approved permanently.[12] POETS is

(''Amendment No. 2''). In Amendment No. 2, the PCX further revised some of the proposed rule text. Specifically, the PCX added a safe harbor provision for orders entered more than 15 seconds apart, eliminated provisions that would have permitted the PCX to nullify certain orders, incorporated a provision prohibiting the use of the Pacific Options Exchange Trading System (''POETS'') to perform a market making function, and made other minor technical changes. Revisions made by Amendment No. 2 are incorporated in the description of the proposal in Section II, *infra.*

[7] *See* letter from Cindy Sink, Senior Attorney, Regulatory Policy, PCX, to Sapna Patel, Attorney, Division, Commission, dated January 25, 2001 (''Amendment No. 3''). In Amendment No. 3, the PCX made some minor technical corrections to the proposed rule text.

[8] The Commission is not approving at this time the portion of the proposed rule change that would allow orders for the accounts of brokers-dealers, excluding those orders for Market Makers or Specialists on an exchange who are exempt from the provisions of Regulation T of the Federal Reserve Board pursuant to Section 7(c)(2) of the Act, to be executed on Auto-Ex on an issue-by-issue basis.

[9] Minor technical changes were made to the proposed rule. In subparagraph (b)(2), the reference to ''The Options Floor Trading Committee (''OFTC'')'' was retained in full and not replaced with the ''OFTC.'' In addition, the first letter of the first word in each subsection under subparagraph (c) was capitalized to make the proposed rule text consistent with the rest of the rule text. Telephone conversation between Michael D. Pierson, Vice President, Regulatory Policy, PCX, and Sapna C. Patel, Attorney, Division, Commission, on February 21, 2001.

[10] *See* Securities Exchange Act Release No. 43887 (January 25, 2001), 66 FR 8831 (February 2, 2001) (approval order increasing the maximum order size for execution through Auto-Ex from seventy-five contracts to one hundred contracts).

[11] *Id.*

[12] *See* Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990) (approving POETS on a pilot basis); Securities Exchange Act Release No. 32703 (July 30, 1993), 58 FR 42117 (August 6, 1993) (approving POETS on a permanent basis). The Auto-Ex system permits eligible market or marketable limit orders sent from member firms to be executed automatically at the displayed bid or offering price. Participating market makers are designated as the contra side to each Auto-Ex order. Participating market makers are assigned by Auto-Ex on a rotating basis, with the first market maker selected at random from the list of signed-on market makers. Automatic executions through Auto-Ex are currently available for public

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comprised of an options order routing system (''ORS''), an automatic and semi-automatic execution system (''Auto-Ex''), an on-line book system (''Auto-Book''), and an automatic market quote update system (''Auto-Quote'').

The Exchange proposes several definitional changes to PCX Rule 6.87 pertaining to Auto-Ex.[13] Specifically, the Exchange proposes to add new PCX Rule 6.87(a) to codify the terms ''Auto-Ex,'' ''User,'' and ''Order Entry Firm.'' First, the Exchange proposes to define the term ''Auto-Ex'' to mean the automated execution system feature of POETS that is owned and operated by the Exchange and that provides automated order execution and reporting services for options. Second, the Exchange proposes to define the term ''User'' to mean any person or firm that obtains electronic access to Auto-Ex through an Order Entry Firm. Third, the Exchange proposes to define the term ''Order Entry Firm'' to mean a member organization of the Exchange that is registered as an Order Entry Firm for purposes of sending orders to the Exchange for execution by Auto-Ex. The Exchange represents that it is proposing to codify these terms in order to provide users of Auto-Ex with clear and precise definitions for terms used in PCX Rule 6.87.

In addition, the Exchange proposes to add new PCX Rule 6.87(c) to require Order Entry Firms, as defined in proposed PCX Rule 6.87(a), to register with the Exchange as a condition of having access to Auto-Ex. Such registration will require that an Order Entry Firm execute an Order Entry Firm Application Agreement with the Exchange; comply with all applicable PCX options trading rules and procedures; provide written notice to all Users regarding proper use of Auto-Ex; and maintain adequate procedures and controls that will permit the Order Entry Firm to effectively monitor and supervise the entry of electronic orders by all Users. The Exchange represents that it is proposing these rule changes to safeguard the use of Auto-Ex and to obligate Order Entry Firms to inform and supervise Users to ensure compliance with PCX rules and procedures. The Exchange also represents that these proposed changes will protect investors and the public from changes in options prices or markets caused by uses of Auto-Ex that the Exchange believes are prohibited.

Furthermore, the Exchange proposes to add new PCX Rule 6.87(d) to codify certain practices that otherwise are prohibited on Auto-Ex. Proposed PCX Rule 6.87(d) lists four prohibited uses of Auto-Ex: (1) Entering an order for an account that is ineligible for execution on Auto-Ex; (2) dividing an order involving a single investment decision into multiple smaller lots for the purposes of meeting the order size requirements for Auto-Ex eligibility, which includes entering multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series for the account of the same beneficial owner within the same fifteen second period; (3) entering orders via POETS to perform a market making function; and (4) effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a)[14] and SEC Rule 10b–5[15] under the Act. A detailed explanation of each prohibited practice follows.

First, with regard to the type of orders eligible for execution on Auto-Ex, the Exchange proposes that all orders not eligible under subsection (b) of proposed PCX Rule 6.87 be deemed ineligible orders. The Exchange represents that this proposed rule change will clarify what orders are eligible for execution on Auto-Ex.

Second, the Exchange proposes to replace PCX Rule 6.87(d) with PCX Rule 6.87(d)(2). PCX Rule 6.87(d) states that ''firms entering orders for execution on Auto-Ex may not divide them up in order to make their parts eligible for entry into Auto-Ex.'' The Exchange proposes to replace PCX Rule 6.87(d) with new PCX Rule 6.87(d)(2), which prohibits dividing an order involving a single investment decision into multiple smaller lots for the purpose of meeting the order size requirements for Auto-Ex eligibility. Under proposed PCX Rule 6.87(d)(2), multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series entered within any fifteen second period for the account of the same beneficial owner will be presumed to be based on a single investment decision. Multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same series entered outside any fifteen second period for the account of the same beneficial owner will be deemed to be separate investment decision; provided, however, that no Order Entry Firm may divide up or permit an existing order to be divided up to make its parts eligible for entry into Auto-Ex.

Third, the Exchange proposes to add PCX Rule 6.88(c) to prohibit Users from using POETS to perform market making functions and to specify in rule 6.87(d) that entering such orders via POETS is a prohibited practice. PCX Rule 6.32 defines a Market Maker as an individual who is registered with the Exchange for the purpose of making transactions as dealer-specialist on the Floor of the Exchange. With regard to entering orders via POETS to perform a market making function, proposed PCX Rule 6.88(c) prohibits a member or associated person of a member from using POETS on a regular and continuous basis to simultaneously execute orders to buy and sell series for the account of the same beneficial holder. In making the determination of whether a member or person is using POETS to perform a market making function, the Exchange will consider the following factors: the simultaneous or near-simultaneous entry of limit orders to buy and sell the same option; and the entry of multiple limit orders at different prices in the same option series. The Exchange proposes this change to prohibit Users from acting as Market Makers through the use of POETS.[16]

customer orders of twenty contracts or less (or in certain issues, for one hundred contracts or less) in all series of options traded on the Options Floor of the Exchange.

[13] The Exchange proposes to renumber PCX Rule 6.87(a) as PCX Rule 6.87(b)(1) and PCX Rules 6.87(b) and (c) as PCX Rules 6.87(b)(2) and (3). The Exchange also proposes to renumber PCX Rules 6.87(d) through (j) as PCX Rules 6.87(e) through (k).

[14] PCX Rule 4.6 states that ''[n]o member, member firm or any participant therein shall effect or induce the purchase or sale or otherwise effect transactions in any security for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security, or for the purpose of unduly or improperly influencing the market price of such security, or for the purpose of making a price which does not reflect the true state of the market in such security''

[15] 17 CFR 240.10b–5.

[16] *Cf.* PCX Rules 6.89(b) and 6.90(d)(3). PCX Rule 6.89(b) states that ''[n]o Floor Broker may knowingly use a Floor Broker Hand-Held Terminal, on a regular and continuous basis, to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the account of such person or entity from being sent through the Exchange's Member Firm Interface for such period of time as the Exchange deems appropriate.''

PCX Rule 6.90(d)(3) states that ''[t]erminals may be used to receive brokerage orders only. Terminals may not be used to perform a market making function. No Member may knowingly use a Terminal on a regular and continuous basis to simultaneously represent orders to buy and sell option contracts in the same series for the account of the same beneficial holder. If the Exchange determines that a person or entity has been sending, on a regular and continuous basis, orders to simultaneously buy and sell option contracts in the same series for the account of the same beneficial holder, the Exchange may prohibit orders for the

Finally, the Exchange proposes to add PCX Rule 6.8(d)(4) to codify, as a prohibited practice, effecting transactions that constitute manipulation as provided in PCX Rule 4.6(a) and SEC Rule 10b–5 under the Act. The Exchange represents that this proposed change will prevent members or Users from using Auto-Ex to violate PCX and SEC anti-manipulation rules and to protect investors and the public.

III. Summary of Comments

The Commission received four comment letters regarding the proposed rule change with one commenter supporting, and three commenters opposing, the proposed rule change.[17] These comments were submitted in response to the proposal as it appeared in the **Federal Register** notice.[18] The PCX revised the proposed rule change in Amendments No. 2 and 3 to address many of the commenters' concerns.

Morrison & Foerster stated that the proposal would ''protect investors and promote the public interest by prohibiting certain manipulative practices with respect of the use of * * * AutoEx * * * on the Pacific Exchange and [would] make the rules prohibiting such manipulative practices easier to enforce.'' [19] The commenter suggested that allowing broker-dealer orders to be executed through Auto-Ex would make the PCX ''more competitive with other options exchanges, thereby promoting competition among option exchanges, which [would] inure to the benefit of investors generally.'' [20] The commenter also indicated that the registration of Order Entry Firms and the list of prohibited practices under the proposed rule change would clarify and safeguard the use of Auto-Ex.[21]

Interactive Brokers and OutSource International objected to the proposal because, in their view, it imposed restrictions on the customer's investment activities and attempted to determine the customer's subjective intent in placing certain orders. The commenters suggested that the PCX should instead implement an objective systems/software change to Auto-Ex, similar to the SOES system of the National Association of Securities Dealers, Inc. (''NASD''). These software changes would automatically prevent a member from entering an order into Auto-Ex within fifteen seconds after receiving an Auto-Ex execution.[22] Both commenters argued that the proposal focuses on the subjective intent of individual customers and that there is no way to accurately make a determination that certain multiple orders are based on a single investment decision.[23] They further stated that the proposal makes a ''presumption'' that a single investment decision was made.[24] Furthermore, these two commenters argued that the proposed rule change does not provide a safe-harbor rule for customers for multiple orders transmitted more than fifteen seconds apart, and that there were also no procedural protections or remedies for customers whose trades are cancelled or price-adjusted in error.[25] They were concerned that the provision of the original proposed rule change allowing nullification of orders would allow exchange floor officials unlimited discretion to enforce the proposed rule and selectively cancel those trades that were unprofitable to market makers.[26]

Interactive Brokers stated that the PCX should not be able to ''reach past its members and regulate the manner in which customers themselves formulate and express their investment decisions.'' [27] This commenter also argued that the proposed rule change did not adequately address or provide solutions for other problems faced by market makers who are exposed to multiple orders in rapid-fire succession.[28] An individual commenter indicated that the proposal was overboard and should apply to orders for the same series and not the same class.[29]

IV. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, except for the portion of the proposal relating to the execution of broker-dealer orders on Auto-Ex,[30] is consistent with the Act and the rules and regulations promulgated thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b).[31] Specifically, the Commission finds that approval of the proposed rule change, except for the portion of the proposed rule change relating to the entry of broker-dealer orders on Auto-Ex, is consistent with section 6(b)(5)[32] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Commission finds that the Exchange's proposed provisions under PCX Rule 6.87(a), codifying and defining the terms ''Auto-Ex,'' ''User,'' and ''Order Entry Firm,'' will help provide Auto-Ex participants with more clarity and guidance and a better understanding of the use of these terms as used in the PCX rules governing Auto-Ex.

The Commission also finds that the Exchange's requirement of registration of all Order Entry Firms may provide safeguards on the use of Auto-Ex. Under proposed PCX Rule 6.87(c), Order Entry Firms must register by entering into an Auto-Ex Order Entry Firm Application Agreement with the Exchange; comply with all PCX options trading rules and procedures; provide written notice to all Users regarding the proper use of Auto-Ex; and maintain adequate procedures and controls to allow Order Entry Firms to monitor and supervise the entry of electronic orders by all Users to prohibit the practices specified in paragraph (d) of the rule.

These prohibited practices are: (1) Entering in ineligible order; (2) dividing an order involving a single investment decision into multiple smaller lots for purposes of meeting the order size requirements; (3) entering orders via POETS to perform a market making function; and (4) effecting manipulative transactions. Commenters mainly raised concerns about the single investment decision presumption of the original proposal. The Exchange revised the proposal to provide an objective safe-harbor rule that would eliminate the subjective single investment decision presumption. Initially, the Exchange

account of such person or entity from being sent through the Exchange's Member Firm Interface for such period of time as the Exchange deems appropriate. Any system used by a Member to operate a Terminal must be separate and distinct from any system that may be used by a Member or any person associated with a Member in connection with market making functions.''

[17] *See* Morrison & Foerster Letter supporting the proposed rule change, *supra* note 5. *See also* Interactive Brokers Letter, Ianni E-Mail, and OutSource International Letter opposing the proposed rule change, *Id.*

[18] *See supra* note 4.

[19] *See* Morrison & Foerster Letter, *supra* note 5.

[20] *Id.*

[21] *Id.*

[22] *See* Interactive Brokers Letter and OutSource International Letter, *supra* note 5.

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *See* Interactive Brokers Letter, *supra* note 5.

[28] This commenter noted that the proposal does not prevent customers from placing several orders through different accounts with different broker-dealers to avoid the provisions of the proposed rule change; and that the proposal only addresses successive orders from the same customer, and not ''the same problem arising from rapid, successive orders from different customers.'' *See id.*

[29] *See* Ianni E-Mail, *supra* note 5.

[30] *See supra* note 8.

[31] 15 U.S.C. 78f(b). In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[32] 15 U.S.C. 78f(b)(5).

proposed a fifteen second time period in which multiple orders may not be entered on the behalf of the same beneficial owner, but it reserved the right to conclude that multiple orders entered outside of the fifteen second time period could still be considered a single investment decision. The Exchange wanted to prevent the splitting of orders by or on behalf of the same beneficial owner to meet Auto-Ex eligibility, whether these orders were entered within or outside the fifteen second time period.

In response to the commenters' concerns, however, the Exchange added an objective safe-harbor provision, PCX Rule 6.87(d)(2)(B), providing that all orders entered outside of any fifteen second time period for the account of the same beneficial owner will be deemed to be separate investment decisions, and therefore will not be presumed to be a part of a single investment decision.[33] The Commission believes that this safe-harbor rule for multiple orders entered after the fifteen second time period is necessary to provide Users of Auto-Ex with guidance and comfort that their entry of orders after fifteen seconds will not be presumed a single investment decision.

Furthermore, the Exchange responded to commenters' concerns by revising the proposed rule language to reflect that the proposal will only apply to multiple orders to trade the same option issue that are on the same side of the market (whether short or long) and multiple orders to trade the same option series. The Commission believes that this provision is appropriate and will allow Users of Auto-Ex more flexibility in placing their orders.

The Exchange also made several other modifications to respond to the commenters' concerns. The Exchange eliminated its proposed provision relating to the nullification of orders, which would have allowed PCX floor officials to execute only the first of orders equaling or adding up to the Auto-Ex size requirement and nullifying any others orders.[34] Furthermore, the Exchange revised its proposed rule text to clarify that it will preclude Order Entry Firms from dividing up or permitting an existing order from being divided up to make its parts eligible for entry into Auto-Ex.[35] The Commission believes that, by eliminating the proposed provision relating to the nullification of orders and retaining the prohibition against the splitting of orders by Order Entry Firms, Users of Auto-Ex will be provided with greater assurance that their orders will be executed. The Commission therefore finds that these revisions to the proposal are consistent with the public interest and the protection of investors.

Finally, the Commission recognizes that proposed PCX Rule 6.88(c), prohibiting the use of POETS to perform a market making function, is consistent with other rules adopted by other exchanges to preclude persons from performing a market making function unless they are registered as market makers.[36]

V. Accelerated Approval of Amendments No. 2 and 3

The Commission finds good cause for approving Amendments No. 2 and 3 to the proposed rule change, except for those portions relating to the execution of broker-dealer orders on Auto-Ex, prior to the thirtieth day after the amendments are published for comment in the **Federal Register** pursuant to section 19(b)(2) of the Act.[37] Both Amendments No. 2 and 3 alter the proposed rule language to address many of the commenters' concerns. Specifically, Amendment No. 2 adds a safe harbor provision for orders entered more than fifteen seconds apart; eliminates provisions that would have permitted the Exchange to nullify certain orders; incorporates a provision prohibiting the use of POETS to perform a market making function; and makes other minor technical changes. Amendment No. 3 simply cleans up minor punctuation and spacing problems in the proposed rule text. Because these amendments address the concerns raised by the commenters, the Commission believes it is not necessary to separately solicit comment on these amendments prior to approving this proposal. Moreover, the Commission finds that these changes to the proposed rule language are necessary to accomplish the intended goals of the Exchange's proposal and therefore believes that acceleration of Amendments No. 2 and 3 is appropriate.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendments No. 2 and 3, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–00–05 and should be submitted by March 16, 2001.

VII. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, and Amendments No. 2 and 3 thereto, except for portions relating to the execution of broker-dealer orders on Auto-Ex, are consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with section 6(b)(5).[38]

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[39] that the proposed rule change (SR–PCX–00–05) is approved, and Amendments No. 2 and 3 thereto are approved on an accelerated basis, except for portions relating to the entry of broker-dealer orders on Auto-Ex.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[40]

Margaret H. McFarland,

Deputy Secretary.

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[33] *See* Amendment No. 2, *supra note* 6.

[34] *See* Amendment No. 1, *supra note* 3.

[35] *See* Amendment No. 2, *supra note* 6.

[36] *See* Securities Exchange Act Release Nos. 43938 (February 7, 2001), 66 FR 10539 (February 15, 2001) (File No. SR–Amex–01–03); 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000) (File No. 10–127) (approving application of ISE for registration as a national securities exchange); and 43939 (February 7, 2001), 66 FR 10547 (February 15, 2001) (File No. SR–Phlx–01–05).

[37] 15 U.S.C. 78s(b)(2).

[38] 15 U.S.C. 78f(b)(5).

[39] 15 U.S.C. 78s(b)(2).

[40] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

Office of Inspector General

[Public Notice 3580]

Notice of Information Collection Under Emergency

REVIEW: Overseas Absentee Ballot Questionnaire.

AGENCY: Department of State.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Office of Inspector General (OIG).

Title of Information Collection: Overseas Absentee Ballot Questionnaire.

Frequency: One Time Collection.

Form Number: None.

Respondents: U.S. Citizens Abroad.

Estimated Number of Respondents: 720.

Average Hours Per Response: 15 minutes.

Total Estimated Burden: 180 hours.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by February 16, 2001. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–5871.

For Additional Information

Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to (Linda Topping, Office of Inspector General, (202) 647–9450, U.S. Department of State, Washington, DC 20520.

Dated: February 15, 2001.

Anne Sigmund,

Acting Inspector General, Department of State.

[FR Doc. 01–4522 Filed 2–22–01; 8:45 am]

BILLING CODE 4710–42–U

DEPARTMENT OF STATE

[Public Notice 3579]

Bureau of African Affairs; AF/PD Professional Internship Program

Introduction

The United States Department of State announces an open competition for an assistance award. Nongovernmental organizations may apply to design and manage a multi-faceted program that consists of the following: (1) Azikiwe Professional Fellowships; and, (2) the COMESA (Common Market of East and Southern Africa) Professional Internship Program.

I. Azikiwe Professional Fellows

The Azikiwe Professional Fellowship Program seeks to establish linkages between young Nigerians and their American counterparts in various sectors. The program is divided into two groups: the ''Digital Divide Internships'' and ''Gatekeepers for the Free Flow of Information.''

• Digital Divide Internships will consist of six five-week internships for leaders who will play key roles in bringing Internet connectivity to Nigerian government offices and universities. They would spend one week of orientation at a university before going on to month-long internships at university departments or local and state government offices.

• Gatekeepers for the Free Flow of Information will consist of six five-week internships for library professionals involved in overall management and policy-making in key governmental and private libraries and journalists interested in enhancing their professional skills. The program would demonstrate the crucial role of international technology in modern libraries, train the fellows in the use of the Internet and creation of web pages, and demonstrate the best ways to integrate these technologies into Nigerian libraries. Journalistic Interns would focus on improving professional skills (freedom of press, speech), responsible reporting, and constitutional issues. In both cases, Interns would have a two-week orientation program in Washington (at DoS, Library of Congress, Congressional Research Service, media and newspapers, newspaper libraries, universities and communication organizations, etc.). Following the Washington program, the Interns would be placed for three-weeks in an institution with similar interests to their home organization or media or newspapers.

Both sets of professional fellows would be required to develop a plan of short, medium, and long-term goals for their respective institutions before returning home.

II. COMESA Professional Internship Program

The COMESA program will consist of approximately 10–12 internships lasting from 8–12 weeks with corporations, universities, or trade organizations (particularly those involved in NAFTA, CBI, or WTO issues). The program will stress the development of strong management, administrative, finance, negotiation, and organizational skills among select members of the COMESA Secretariat. In addition, the Interns will develop strategies and techniques focused on learning and developing management skills appropriate for a sub-regional organization. The Program will seek to assist the COMESA Secretariat in enhancing its capacity to handle its burgeoning role as a regional organization focused on economic and trade issues. The AF/PD Professional Internship Program seeks to enhance the professional skills and abilities of the participants by developing the Interns' organizational, Internet, and managerial skills. All Interns will be allotted two days in Washington, DC at the end of their internship to discuss and review the program with AF/PD staff and colleagues. An additional multiplier effect of the program will be to develop future linkages between American and African universities and institutions.

A cooperative agreement will be subject to the availability of funds.

The contract agency will be expected to work closely with AF/PD and Public Affairs Sections of U.S. Embassies in Africa in selecting participants, and in developing and implementing this program.

Authority

22 U.S.C.–2452(a)(2).

Eligible Applicants

Eligible applicants include all nongovernmental institutions, private organizations, and commercial entities.

Availability of Funds

The funding level for this Cooperative Agreement shall be no higher than $374,500. The funding is available for one calendar year which begins at the time the Cooperative Agreement is signed.

Continuing awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

Primary objectives for the AF/PD Intern Program are to develop professional skills of a variety of individuals in the areas of Internet connectivity, library science, journalism, business and trade development, and the management and administration of selected sub-regional organizations. Moreover, the program is designed to enhance linkages between American institutions, business, media, entrepreneurs, and universities, with African counterparts working in specific professions.

Reporting Requirement

Reporting requirements will be developed in consultation with AF/PD.

Evaluation Criteria

Technically eligible applicants will be competitively reviewed under 9 criteria. The criteria are: (1) Cost effectiveness and cost sharing; (2) Program development, planning, and the ability to achieve objectives and time-lines; (3) Follow-up—Ability to conduct Africa-wide follow-up activities on a minimum biannual basis (4) Institutional capacity; (5) Ability to objectively evaluate program achievements, and provide a final program report; (6) ''Multiplier Effect/Impact''—strengthening of bilateral and multilateral linkages and understanding; (7) Ability to coordinate work with AF/PD and Public Affairs Sections at U.S. Embassies; (8) Support for Diversity and gender balance; and (9) Cultural Sensitivity based on country norms.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and ten (10) copies of the application (Standard Form 424) must be submitted to the U.S. Department of State, Ms. Joanna Pisciotta Snearly, Grant Specialist, A/LM/AQM/IP, State Annex #44, Room M–22, 301 4th Street SW., Washington, DC 20547 on or before March 26, 2001.

Where to Obtain Additional Information

A detailed program description and application package may be obtained from Ms. Joanna Pisciotta Snearly, Grant Specialist, U.S. Department of State, A/LM/AQM/IP, State Annex #44, Room M–22, 301 4th Street SW., Washington, DC 20547, telephone (202) 260–6549, fax (202) 205–5466 email jsnearly@pd.state.gov. Please refer to the ''AF/PD Professional Internship Program'' when requesting information or sending an application.

Dated: February 12, 2001.

William C. Zehnder,

Grant Award Officer, A/LM/AQM/IP, Department of State.

[FR Doc. 01–4521 Filed 2–22–01; 8:45 am]

BILLING CODE 4710–26–U

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The Regional Resource Stewardship Council (Regional Council) will hold a meeting to consider various matters. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The meeting agenda includes the following/briefings:

1. Recognition of Contribution of Mayor Eddie Smith, Jr.
2. Overview of river navigation and infrastructure
3. Continuation of aquatic plant management policy recommendation discussion
4. Recommendation from integrated river management subcommittee on integrated management of the Tennessee River system
5. Public comments
6. Subcommittee reports

It is the Regional Council's practice to provide an opportunity for members of the public to make oral public comments at its meetings. Public comment session is scheduled from 1 p.m.–2 p.m. CST. Members of the public who wish to make oral public comments may do so during the Public comments portion of the agenda. Up to one hour will be allotted for the Public comments with participation available on a first-come, first-served basis. Speakers addressing the Council are requested to limit their remarks to no more than 5 minutes. Persons wishing to speak register at the door and are then called on by the Council Chair during the public comment period. Hand-out materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Friday, March 9, 2001, from 8:30 a.m. to 4:30 p.m. CST.

ADDRESSES: The meeting will be held in Olive Branch, Mississippi, at the Whispering Woods Hotel and Conference Center, 11200 E. Goodman Road, Olive Branch, Mississippi 38654, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Sandra L. Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902, (865) 632–2333.

Dated: February 14, 2001.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment, Tennessee Valley Authority.

[FR Doc. 01–4473 Filed 2–22–01; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8892]

Commercial Fishing Industry Vessel Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC). CFIVAC advises and makes recommendations to the Coast Guard on the safety of the commercial fishing industry.

DATES: Application forms should reach us on or before July 6, 2001.

ADDRESSES: You may request an application form by writing to Commandant (G–MOC–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0507; or by faxing 202–267–0506; or by emailing jfwilliams@comdt.uscg.mil. Send your application in written form to the above street address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Captain Jon Sarubbi, Executive Director of CFIVAC, or Lieutenant Jennifer Williams, Assistant to the Executive Director, telephone 202–267–0507, fax 202–267–0506, email: jfwilliams@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: The Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) is a Federal advisory committee under 5 U.S.C. App. 2. As required by the Commercial Fishing Industry Vessel Safety Act of 1988, the Coast Guard established CFIVAC to provide advice to the Coast Guard on issues related to the safety of commercial fishing vessels regulated under chapter 45 of Title 46, United States Code, which includes uninspected fishing vessels, fish processing vessels, and fish tender vessels. CFIVAC consists of 17 members as follows: Ten members from the commercial fishing industry who reflect

a regional and representational balance and have experience in the operation of vessels to which chapter 45 of Title 46, United States Code applies, or as a crew member or processing line member on an uninspected fish processing vessel; one member representing naval architects or marine surveyors; one member representing manufacturers of equipment for vessels which chapter 45 applies; one member representing education or training professionals related to fishing vessel, fish processing vessels, or fish tender vessel safety, or personnel qualifications; one member representing underwriters that insure vessels to which chapter 45 applies; and three members representing the general public, including whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing the marine insurance industry.

CFIVAC meets at least once a year in different seaport cities nationwide. It may also meet for extraordinary purposes. Its subcommittees and working groups may meet to consider specific problems as required.

We will consider applications for five positions that expire or become vacant in October 2001 in the following categories: (a) Commercial Fishing Industry (two positions); (b) Education/Training (one position); (c) Marine Insurance Underwriter (one position); (d) General Public (one position).

Each member serves for a term of 3 years. A few members may serve consecutive terms. All members serve at their own expense and receive no salary from the Federal Government, although travel reimbursement and per diem are provided.

In support of the policy of the Department of Transportation on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4550 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–8893]

Commercial Fishing Industry Vessel Advisory Committee; Charter Renewal

AGENCY: Coast Guard, DOT.

ACTION: Notice of charter renewal.

SUMMARY: The Secretary of Transportation has renewed the charter for the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) for 2 years from December 10, 2000 until December 10, 2002. CFIVAC is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Coast Guard on the safety of the commercial fishing industry.

ADDRESSES: You may request a copy of the charter by writing to Commandant (G–MOC–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0507; or by faxing 202–267–0506. This notice and the charter are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Captain Jon Sarubbi, Executive Director of CFIVAC, or Lieutenant Jennifer Williams, Assistant to the Executive Director, telephone 202–267–0507, fax 202–267–0506.

Dated: February 15, 2001.

Joseph J. Angelo,

Director of Standards.

[FR Doc. 01–4551 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–13]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, D.C., on February 20, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2000–8470.

Petitioner: Western Missouri Aviation Foundation, Inc.

Section of 14 CFR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/Disposition: To permit WMAF to conduct local sightseeing flights at (1) the Kansas City Downtown Airport, (2) the Johnson County Executive Airport, or (3) the Lee's Summit Airport, for its fundraising event benefiting the WMAF and the Child Abuse Prevention Association, from the date of issuance of this exemption through January 13,

2001, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant, 12/28/2000, Exemption No. 7412.*

Docket No.: FAA–2000–8500.

Petitioner: Atlantic Coast Airlines.

Section of 14 CFR Affected: 14 CFR 25.562(c)(5) and 25.785(a).

Description of Relief Sought/ Disposition: To permit ACA the extension of the compliance date regarding the Head Injury Criterion (HIC) for front row passenger seating on Jetstream Series 4100 Model 4101, Serial No. 41101. *Grant, 12/22/2000, Exemption No. 6776A.*

[FR Doc. 01–4543 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–14]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–2001), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 11.85 and 11.91.

Issued in Washington, DC, on February 20, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29450.

Petitioner: Business Air, Inc.

Section of the 14 CFR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit Business Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 12/22/2000, Exemption No. 6876A.*

Docket No.: 29013.

Petitioner: Vintage Flying Museum.

Section of the 14 CFR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).

Description of Relief Sought/ Disposition: To permit VFM to operate its former military B–17G aircraft, which is certificated in the limited category, for the purpose of carrying passengers on local flights in return for receiving donations. *Grant, 12/22/2000, Exemption No. 7411.*

Docket No.: 30178.

Petitioner: Georgian Aerospace Group Inc.

Section of the 14 CFR Affected: 14 CFR 25.857(e)(4).

Description of Relief Sought/ Disposition: To permit supplemental type certification of the Sabreliner Model 40 and 60 series airplanes, modified for the carriage of cargo. *Grant, 12/21/2000, Exemption No. 7410.*

Docket No.: 28557.

Petitioner: Chromalloy Gas Turbine Corporation.

Section of the 14 CFR Affected: 14 CFR 43.9(a)(4), 43.11(a)(3), and 145.57(a).

Description of Relief Sought/ Disposition: To permit CGTC and other persons holding return-to-service authority under the relevant respective inspection procedures manuals to continue to use electronic signatures in lieu of physical signatures to satisfy the signature requirements of FAA Form 8130–3, Airworthiness Approval Tag. *Grant, 12/29/00, Exemption No. 6513C.*

Docket No.: 30104.

Petitioner: Matsushita Electric Industrial Co.

Section of the 14 CFR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To permit MEI to use the calibration standards of the National Research Laboratory of Metrology (NRLM) and the Electrotechnical Laboratory (ETL) in lieu of the calibration standards of the National Institute of Standards and Technology (NIST) to test its inspection and test equipment. *Grant, 12/22/00, Exemption No. 7413.*

Docket No.: 17145.

Petitioner: United Airlines.

Section of the 14 CFR Affected: 14 CFR 121.665 and 121.697(a).

Description of Relief Sought/ Disposition: To permit UA to continue to use computerized load manifests that bear the printed name and position of the person responsible for loading the aircraft, instead of that person's signature. *Grant, 12/29/00, Exemption No. 2466M.*

[FR Doc. 01–4544 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–15]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions; correction.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 19, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 20, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No.: FAA–2000–8372.
Petitioner: Mr. Ronald Coleman.
Section of 14 CFR Affected: 14 CFR 61.109(a)(2)(i) and 61.129(a)(3)(iv).
Description of Relief Sought/Disposition: To permit a pilot applying for a private or commercial pilot certificate in a single engine airplane in the United States to conduct his/her night cross-country training flight using a multi-engine airplane.

Docket No.: FAA–2000–8498.
Petitioner: Sensenich Wood Propeller Company, Inc.
Section of 14 CFR Affected: 14 CFR 45.11(b).
Description of Relief Sought/Disposition: To permit Sensenich to stamp the part marking information on the propeller hub to meet the requirement for fireproof identification on propellers, instead of attaching a metal tag with the required information.

Docket No.: FAA–2000–8262.
Petitioner: Airbus Industrie.
Section of 14 CFR Affected: 14 CFR 25.785(h)(1), 25.807(c)(7) and 25.813(3).
Description of Relief Sought/Disposition: To permit permanent exemption from the requirements of 14 CFR part 25 pertaining to flight attendant direct view, distance between exits, and installation of interior doors between passenger compartments, for A319 corporate jets.

Docket No.: FAA–2001–8643.
Petitioner: Comair, Inc.
Section of 14 CFR Affected: 14 CFR 93.217.
Description of Relief Sought/Disposition: To permit Delta Connection carriers to conduct domestic operations using Comair's eight international slots at LaGuardia Airport. *Grant, 02/01/2001, Exemption No. 7434.*

Docket No.: FAA–2000–8343.
Petitioner: Phoenix Air, Inc.
Section of 14 CFR Affected: 14 CFR 105.43(a).
Description of Relief Sought/Disposition: To permit nonstudent parachutists who are foreign nationals to participate in Phoenix-sponsored parachute jumping events without complying with the parachute equipment and packing requirements of § 105.43(a). *Grant, 01/31/2001, Exemption No.* 7433.

Docket No.: FAA–2001–8700.
Petitioner: Trans World Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1), and appendix F to part 121.
Description of Relief Sought/Disposition: To permit TWA to combine recurrent flight and ground training and proficiency checks for TWA's flight crew members in a single annual training and proficiency evaluation program. *Grant, 01/31/2001, Exemption No. 6012C.*

Docket No.: FAA–2000–8341.
Petitioner: Rockwell Collins do Brasil Ltda.
Section of 14 CFR Affected: 14 CFR 145.47(b).
Description of Relief Sought/Disposition: To permit Rockwell Collins to substitute the calibration standards of the Instituto Nacional de Metrologia, Normalizacao e Qualidade Industrial (INMETRO) for the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), to test its inspection and test equipment. *Grant, 01/31/2001, Exemption No. 7432.*

Docket No.: FAA–2000–8099.
Petitioner: Reeve Aleutian Airways.
Section of 14 CFR Affected: 14 CFR 119.67(a)(1).
Description of Relief Sought/Disposition: To permit Mr. Keith A Campbell to serve as Director of Operations at RAA without holding an airline transport pilot (ATP) certificate. *Denial, 01/29/2001, Exemption No. 6585B.*

Docket No.: FAA–2001–8787.
Petitioner: Flight Alaska, Inc. dba Yute Air.
Section of 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/Disposition: To permit Yute Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft. *Grant, 01/29/2001, Exemption No. 7428.*

Docket No.: FAA–2000–8286.
Petitioner: Raytheon Aircraft Company.
Section of 14 CFR Affected: 14 CFR 21.325(b)(3).
Description of Relief Sought/Disposition: To permit Raytheon to obtain airworthiness approval tags for its Hawker Model parts in accordance with §§ 21.21 and 21.203, and export those class II and class III parts located at certain facilities outside of the United States. The amendment requested would allow Raytheon to staff its Chester Distribution Center with Designated Airworthiness Representatives (DAR) rather than Designated Manufacturing Inspection Representatives (DMIR). *Grant, 01/26/2001, Exemption No. 6720B.*

Docket No.: FAA–2000–8421.
Petitioner: Commodore Aviation, Inc.
Section of 14 CFR Affected: 14 CFR 21.325(b)(3).
Description of Relief Sought/Disposition: To permit Commodore to issue export airworthiness approvals for Class II products manufactured in Tel Aviv, Israel, by Israel Aircraft Industries, Bedek Aviation Group, as an approved supplier to Commodore under Commodore's part manufacturing authority. *Grant, 01/26/2001, Exemption No. 6861A.*

Correction

Docket No.: FAA–2000–8062.
Petitioner: The Boeing Company.
Section of 14 CFR Affected: 14 CFR 25.961(a)(5).
Description of Correction: On October 17, 2000, the FAA issued Summary Notice No. PE–2000–61, Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued (65 FR 63114; October 20, 2000). In that notice, the FAA requested comments on The Boeing Company's petition for exemption to permit a maximum temperature limitation of

80°F for JP–4 and Jet B fuels for use on the Boeing Model 747–400/–400F equipped with Rolls Royce RB211–524G–T/H–T engines.

On January 30, 2001, the FAA issued Summary Notice No. PE–2001–08 (66 FR 8839; February 2, 2001) which inadvertently includes a request for comments on Boeing's petition for exemption. The original comment period on Boeing's request closed on November 13, 2000, and this notice withdraws the summary of Boeing's petition from Summary Notice No. PE–2001–08.

[FR Doc. 01–4545 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Special Committee 159; Global Positioning System (GPS)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given of a request from the Department of Transportation (DOT) for RTCA to develop appropriate material for DOT consideration in preparing its comments on an FCC Notice of Proposed Rule-Making (NPRM), ''In the Matter of Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems.''

In response to this request, RTCA's Program management Committee has tasked Special Committee 159, Global Positioning System (GPS), to develop a response. Special Committee 159's next recommended submission, the Second Interim Report titled Ultra-Wideband Technology Radio Frequency Inference Effects to Global Positioning System Receivers and Interference Encounter Scenario Development, is being produced in two phases:

Phase I. The report segment produced in the first phase, Preliminary Aviation Approached Segments for the Second Interim Report, has been provided to the Program Management Committee for review and was forwarded to DOT on February 13, 2001. This report represented a work in progress and is posted to the RTCA web site (*www.rtca.org*) on the Program Management Committee (PMC) page.

Phase II. The complete Second Interim Report will finalized in the second phase and will include the phase I work as well as new material. The complete report will be posted to the RTCA web site by March 12, 2001.

The Program Management Committee will consider the completed Second Interim for approval at its meeting on March 27, 2001, before it is forwarded to DOT.

Persons wishing to obtain information, or have questions/comments, should contact RTCA, Inc., Attn: Mr. Jerry Bryant, at (202) 833–9339 (phone), (202) 833–9424 (facsimile), or *jbryant@rtca.org* (e-mail).

Issued in Washington, DC on February 15, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–4546 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–8932]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CALEDONIA.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. The vessel is currently operating in Washington's San Juan Islands under a small vessel waiver granted pursuant to actions in Docket MARAD–2000–7075. The current application involves a new owner and new operating area. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 26, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–8932. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: CALEDONIA. Owner: California Maritime Academy Foundation, Inc.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''84.9′ in length by 8.6′ in width, and 9.4′ in depth; accommodating not more than 12 passengers; 99 gross tons.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Vessel's intended use is as a crewed charter vessel [by Alaska and NW Charters, LLC] in S.E. Alaska accommodating not more than 12 passengers. The intended geographic region is from Dixon Entrance on the South to a latitude equal to Skagway, Alaska on the north and to a point 50 miles west of Sitka, Alaska on the west.

Thus, the entire S.E. Alaskan waterways area.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Holland—or Foreign.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''We feel this will have little impact on existing operators as we ALREADY operate a Crewed Charter Business in S.E. Alaska (FOR THE PAST THREE YEARS) and are in the process of SELLING our existing Crewed Charter Boat ''High Scooter'' and thus will ONLY be substituting vessels. Thus, the real impact is very marginal.

Our current web page is *www.alaskanwcharters.com*. There are other existing boats in the region both foreign and U.S., which operate similar operations and most if not all run at 95 to 100% full basis. There are even vessels, which are currently booked into 2002 because the demand for such charters is extremely high. As most of the existing boats have well established client bases—as do we—the impact of this—substitution vessel for our existing vessel will be non-existent.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''As the vessel was built almost 30 years ago and as new vessels of this size are too expensive to make a profitable charter business out of—the impact will again be nonexistent. Additionally, as we are planning some changes and redecorating of the 30 year old vessel—to bring the vessel into 2001 standards—it will actually bring additional business to the vessel and ship builders in the area.''

Dated: February 20, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4523 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8929]

Frontier Spirit, Frontier Mariner, and Frontier Explorer—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (''MARAD'') is soliciting public comments on a petition from the owners and mortgagees of the vessels FRONTIER SPIRIT—Official Number 951441, FRONTIER MARINER—Official Number 951440, and FRONTIER EXPLORER—Official Number 975015 (hereinafter the ''Vessels''). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 (''AFA''), Division C, Title II, Subtitle I, Public Law 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) (''U.S.-Japan FCN'' or ''Treaty''). The petition is submitted pursuant to 46 CFR 356.53 and 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, DC 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of section 2(b) of Shipping Act, 1916 (''1916 Act''), as amended, 46 App. U.S.C. § 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. § 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather ''savings provision'' in the Anti-Reflagging Act of 1987, Public Law 100–239, section 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of § 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of section 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Spirit Limited Partnership, Mariner Limited Partnership and Explorer Limited Partnership (each a ''Vessel Owner'' and collectively, the ''Vessel Owners'') are the owners respectively of the Frontier Spirit, Frontier Mariner and Frontier Explorer. The Vessel Owners, in conjunction with Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, Alaska Frontier Company (''AFCO''), North American Maritime Corporation (''NAMCO'') and North Japan Maritime Corporation (''NOMCO''), the owners of direct or indirect interest in the Vessel Owners and indirect interests in the Vessels, are hereinafter collectively referred to as ''Petitioner'' or ''Petitioners.''

Ownership, Mortgage Structure, and Contractual Arrangements for the Vessels

The ownership and financing structures of the Vessels are substantially identical. The Petitioner provided the following information about the ownership, mortgage structure and other contractual obligations of the Vessels:

A. Ownership Structure

Spirit Limited Partnership, a Washington limited partnership, is the owner of the Frontier Spirit. The general partner, Frontier Spirit Company, is a Washington corporation that owns 51% of the interest in the partnership. Frontier Spirit Company is wholly owned by AFCO. A majority of AFCO's stock is owned by U.S. Citizens; however, it does not qualify as a U.S. Citizen under the AFA because Japanese entities and individuals own more than 25% of AFCO's capital stock.

The sole limited partner of Spirit Limited Partnership is NAMCO, a Washington corporation owned by an individual Japanese citizen and NOMCO, a Japanese Corporation. NAMCO owns 49% of the interest in the partnership.

The Frontier Mariner is owned by Mariner Limited Partnership, a Washington limited partnership. The general partner, Frontier Mariner Company, is a Washington corporation which owns 51% of the partnership interest. Frontier Mariner Company is also wholly owned by AFCO. NAMCO is the sole limited partner and owns 49% of the partnership interest.

The Frontier Explorer is owned by Explorer Limited Partnership, a Washington limited partnership. The general partner, Frontier Explorer Company, is a Washington corporation which owns 51% of the partnership interest. Frontier Explorer Company is also wholly owned by AFCO. NAMCO is the sole limited partner and owns 49% of the partnership interest.

B. Financing Structure

The Petitioners set forth certain loan and currency swap agreements that the Vessel Owners have entered into with Bank of America, N.A., a U.S. financial institution, to finance the remaining obligations of the Vessel Owners related to the construction of the Vessels. Under these agreements and related loan documents, each of the Vessel Owners is jointly and severally obligated to Bank of America. These agreements are secured by preferred mortgages on each of the Vessels. The Petitioners note that Vessel Owners have also executed security agreements granting UCC security interests in the Vessels, their appurtenances and fishing rights to Bank of America to secure these loans.

In addition to the above, the Petitioners state that the Vessel Owners have entered into a loan agreement with Bank of America pursuant to which Bank of America has agreed to provide them jointly a $1 million line of credit for working capital. Each of the Vessel Owners is jointly and severally obligated to Bank of America under this line of credit loan agreement and related loan documents. The obligations of the Vessel Owners to Bank of America under the line of credit are secured by second preferred mortgages on the Vessels. The Vessel Owners have also executed security agreements granting security interests in the Vessels, their appurtenances and fishing rights to Bank of America to secure these obligations.

Except as described above, Petitioners state that no other mortgages, security interests or other consensual liens affect the assets of the Vessel Owners.

Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, NAMCO, NOMCO, AFCO and AFCO's U.S. Citizen and Non-Citizen shareholders have each guaranteed all of the obligations of the Vessel Owners to Bank of America pursuant to substantially identical Commercial Guaranty agreements in favor of Bank of America.

C. Other Contractual Arrangements

1. Management Agreement

The Petitioners state that each of the Vessel Owners has entered into a Management Agreement with AFCO. Under the agreement, AFCO provides an extensive array of vessel management services to the Vessel Owners including: identifying and recommending qualified licensed officers and other navigational personnel for employment by the Vessel Owner; performing accounting services, including maintenance of payroll records, preparation of tax returns, keeping the general ledger, managing accounts payable and receivable, reconciling bank records and preparing financial statements; coordinating and directing the victualling, supplying fueling and repairing of the Vessel, including the procurement of bait, outfit, equipment and spare or replacement parts; arranging for the payment of all expenses incident to the Vessel's operation; periodic drydocking of the Vessel; making travel arrangements for the licensed officers

and other navigational personnel, including airfare, transportation and lodging incidental to rotation of relevant personnel to and from the Vessel; and any other activities incidental to the management of the Vessel.

2. Vessel Manning Agreement.

Petitioners state that each of the Vessel Owners has entered into a Vessel Manning Agreement with NAMCO, dated as of January 1, 2001, under which NAMCO identifies, hires and employs unlicensed processing personnel and quality control technicians for service aboard the Vessels and provides certain related services. Licensed officers and other navigational personnel are not covered by the Vessel Manning Agreement according to the Petitioners, as they are employed directly by the Vessel Owner. The Petitioners assert that the Vessel Manning Agreement contains no terms giving NAMCO or any other Non-Citizen the right to manage, control or direct the Vessel's operations.

3. Marketing Agreement.

The Petitioners submit that each of the Vessel Owners has entered into a marketing Agreement with NOMCO, effective January 1, 2000, governing sales and purchases by the parties of Pacific Cod and other groundfish sold by the Vessel Owners to NOMCO. Petitioners state that these marketing Agreements do not require that any quantity or percentage of a Vessel's catch be sold to NOMCO or the Japanese market; however, NOMCO has a right of first refusal on all fish products sold by the Vessel Owners in the Japanese market. Each of these Agreements is for a term of one year, but is renewed annually unless either party gives notice of termination to the other in writing at least 60 days prior to the end or the term, including any renewal term. The Petitions submit that the Agreements contain no terms giving NOMCO or any other Non-Citizen the right to manage, control or direct the operations of the Vessels.

D. Services Agreement

The Petitioners note that each of the Vessel Owners has entered into a Services Agreement with NOMCO, dated as of January 1, 2001, whereby NOMCO has agreed (1) to supply current market information to the Vessel Owners concerning market demand, processing and handling requirements, prices and trends; and (2) to provide an unsecured, subordinated standby line of credit to the Vessel Owners.

Requested Action

The Petitioners have requested a consolidated filing for the Vessels. MARAD's regulations require at 46 CFR 356.53(c) that a separate petition be filed for each vessel for which the owner or mortgagee is requesting an exemption unless the Chief Counsel authorizes a consolidated filing. The Chief Counsel hereby authorizes the consolidated filing by Petitioners relating to the three Vessels.

The Petitioners seek a determination from MARAD under 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) the existing ownership interests in the Vessels;

(2) the existing exclusive marketing agreements, loan guaranties, financing and other contractual arrangements between or among the Petitions with respect to the Vessels; and

(3) future loan, financing and other contractual arrangements between or among the Petitioners with respect to the Vessels.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR § 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov*. The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry Are Inconsistent With U.S. Obligations Under the U.S.-Japan FCN.

''1. *The AFA's Restrictions on Foreign Ownership Violate Article VII.*

''a. *The AFA's Restrictions on Foreign Investment Impair Petitioners' Existing Ownership Interests.*

''The AFA's new restrictions on foreign investment in fishing vessels will prohibit the Vessel Owners from employing their Vessels in the U.S. fisheries on and after October 1, 2001, because the extent of the investment by Japanese nationals and Japanese companies in the Vessel Owners exceeds the maximum investment permitted by the AFA to be held by Non-Citizens.[3]

''A vessel cannot be employed lawfully in the fisheries of the United States unless it is documented as a vessel of the United States with a fishery endorsement issued by the U.S. Coast Guard pursuant to 46 U.S.C. Chapter 121. 46 U.S.C. Chapter 121 sets out the requirements which must be met for a vessel to be eligible for documentation with a fishery endorsement, including requirements related to the citizenship of vessel owners.

''The Vessels are fishing vessels, designed and constructed for use in the U.S. fisheries and operated in the U.S. fisheries of the North Pacific Ocean and Bering Sea. The Vessels have no other economically productive uses. Each of the Vessel Owners is eligible to own a vessel with a fishery endorsement under the current standards of 46 U.S.C. Chapter 121 and each of the Vessels is documented as a vessel of the United States with a fishery endorsement. However, the Vessel Owners will be prohibited from owning or operating the Vessels in the U.S. fisheries on and after October 1, 2001 under the new restrictions on foreign investment in fishing vessels imposed by the AFA and MARAD's implementing rules, codified at 46 CFR Part 356 (65 FR 44860 *et seq.*, July 19, 2000). The aggregate of the ownership interests held, directly or indirectly, in the Vessel Owners by Japanese companies and Japanese nationals exceeds 25%—the maximum percentage interest permitted to be held by Non-Citizens under Section 202(a) of the AFA, effective on and after October 1, 2001.[4]

[3] As used herein, ''Non-Citizen'' has the meaning specified at 46 CFR § 356.3(o).

[4] *See* 46 U.S.C. 12102(c)(1), as amended. The AFA makes two primary changes to the existing limitation on foreign ownership of fishing vessels: (1) The required percentage of U.S. citizen ownership is increased from a ''a majority'' to 75%; and (2) this new test is to be applied both ''at each tier of ownership and in the aggregate,'' whereas the existing standard is applied solely at each tier of ownership, allowing indirect foreign interests ''in the aggregate'' to exceed 50%, so long as majority U.S. citizen ownership is maintained ''at each tier.'' *See* 46 CFR 221.3(c) (a U.S. Citizen is a Person who ''at each tier of ownership'' satisfies the majority ownership standard). Compare, 46 U.S.C. 12102(c), as now in effect, and 46 CFR 67.31(c), with 46 U.S.C. 12102(c)(1), as amended by Section 202(a) of the Act, and 46 CFR 356.9. The Vessels are owned by entities which satisfy the majority U.S. ownership standard of current law at each ''tier'' of

Continued

The AFA requires MARAD to revoke the fishery endorsement of any fishing vessel whose owner does not comply with this new requirement. AFA Section 203(e). Accordingly, unless exempted from the AFA's new requirements, the Vessel Owners will no longer be permitted to own and operate their Vessels in the U.S. fisheries as of October 1, 2001. As a result, the Vessel Owners will be deprived of income from their Vessels, will be driven into insolvency and will default under the terms of their loan and currency swap agreements with Bank of America, triggering the obligations of their limited partners, general partners and the direct and indirect shareholders of the general partners under their guaranties. Alternatively, the Vessel Owners will be forced to sell the Vessels or their Japanese Investors [5] will be forced to sell some or all of their direct and indirect interests in the Vessel Owners, assuming a buyer for their minority interests can be found.

''b. *The Impairment of Petitioners' Existing Ownership Interests Violates Article VII.1 and the Grandfather Provision of Article VII.2.*

''The impairment of Petitioners' existing ownership interests in the Vessels violates their right to ''national treatment'' under Article VII.1 and the grandfather provision of Article VII.2 of the U.S.-Japan FCN.

''The U.S.-Japan FCN was one of a series of similar Friendship, Commerce and Navigation (''FCN'') Treaties entered into by the United States with various countries after World War II, based on a standard State Department treaty text. All of these treaties reflect U.S. post-war policy to encourage and protect international trade and investment. Herman Walker, Jr., the principal author of the standard FCN treaty text and one of the principal State Department negotiators during this period, has described the FCN treaties as ''concerned with the protection of persons, natural and juridical, and of the property interests of such persons.'' [6] Article VII.1 of the U.S.-Japan FCN guarantees broad ''national treatment'' for the nationals and enterprises of the U.S. and Japan when doing business within the jurisdiction of the other country. Article XXII.1 of the U.S.-Japan FCN defines ''national treatment'' as ''treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.'' The principle of national treatment is the central principle of all of the post-war FCN treaties. National treatment requires that each State Party must treat nationals of the other in the same way that it treats its own nationals. The treaties focus on business and investment. ''The right of corporations to engage in business on a national-treatment basis may be said to constitute the heart of the treaty as an investment instrument.'' [7] In a case involving interpretation of the U.S.-Japan FCN, the United States Supreme Court noted that the purpose of the FCN treaties was ''to assure [foreign corporations] the right to conduct business on an equal basis without suffering discrimination based on their alienage.'' [8] ''[N]ational treatment of corporations means equal treatment with domestic corporations.'' [9]

''The preamble of the U.S.-Japan FCN provides that guaranteeing nationals of each Party ''national * * * treatment unconditionally'' is one of the two general principles upon which the U.S.-Japan FCN was based. Use of the word ''unconditionally'' in this context clearly demonstrates the strength of the drafters' general intent. Accordingly, the exceptions to the principle of national treatment stated in the U.S.-Japan FCN must be narrowly construed.

''The AFA's retroactive prohibition of ownership interests acquired by the Japanese Investors in compliance with existing law clearly denies national treatment to them, to the Vessel Owners and to the other Petitioners. The AFA's new limitation on foreign ownership of fishing vessels is thus inconsistent with the most fundamental principle of the U.S.-Japan FCN.

''The first sentence of Article VII.2 of the U.S.-Japan FCN provides a limited exception to the principle of national treatment for enterprises engaged in ''the exploitation of land or other natural resources.'' Even in that context, however, the second sentence of Article VII.2 (referred to as the ''grandfather'' provision of Article VII.2) prohibits application of new restrictions and limitations to Japanese nationals or enterprises which have previously ''acquired interests'' in enterprises owning U.S. fishing vessels or have previously engaged in the business activities now to be restricted. Article VII.2 provides in pertinent part:

> Each Party reserves the right to limit the extent to which aliens may within its territories establish, acquire interests in, or carry on * * * enterprises engaged in * * * the exploitation of land or other natural resources. *However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.*

Emphasis added. The grandfather provision of Article VII.2 thus provides that any new limitations on national treatment placed on alien participation in the sectors covered by the first sentence of Article VII.2 shall not apply to existing enterprises engaged in business within those sectors at the time such new limitations are adopted.

''A study commissioned by the State Department of its past interpretations of the FCN treaties notes that, under the grandfather provision of Article VII.2, ''protection is afforded to any privilege granted * * * prior to a change in national treatment; hence at a minimum these foreign enterprises are guaranteed the maintenance of their existing operations. [10] ''[R]egulations that force divestiture of interests already acquired or established prior to promulgation of such regulation * * * raise Art. VII questions.'' [11] Herman Walker, Jr. stated the purpose of the Article VII.2 grandfather provision clearly: ''The aim is to * * * guarantee duly established investors against subsequent discrimination. The failure to find a welcome as to entry is of much less importance than would be a failure, once having entered and invested in good faith, to be protected against subsequent harsh treatment.'' [12] In describing the import of the phrase ''new limitations,'' another State Department study states,

> The net effect [of the second sentence of Article VII.2] is that, although not obligated to allow alien interests to become established in those fields of activity, *rights which have been extended in the past shall be respected and exempted from the application of new restrictions.* [13]

''The second sentence of Article VII(2) is a grandfather clause intended in the interest of fairness to protect legitimately established alien enterprises against retroactive impairment.'' [14]

''Both State Parties placed great importance on the grandfather provision of Article VII.2 because they recognized that it would not only protect existing property rights but would entitle foreign-owned enterprises to continue to operate in the same manner as before, notwithstanding later limitations placed on the rights of foreign-owned entities to engage in such business activities. It was a ''principal negotiating point'' of the U.S. side to ensure that the reservations in Article VII.2 would *not* permit retroactive application of any new limitations to companies already engaged in relevant business activities.[15]

''The U.S. negotiators therefore resisted efforts to modify the grandfather provision of Article VII.2, despite strong Japanese efforts to restrict its application. As an indication of the importance the Japanese negotiators attached to the provision, the Japanese Embassy at one point late in the negotiations indicated that the Ministry of Finance might be persuaded to withdraw ''all other objections'' to the draft treaty if the sentence

ownership but which do not meet the new 75% U.S. ownership requirements of the AFA.

[5] As used herein, the ''Japanese Investors'' are NOMCO, NAMCO, their Japanese shareholders and the Japanese shareholders of AFCO.

[6] Herman Walker, Jr., ''Modern Treaties of Friendship, Commerce and Navigation,'' 42 Minn. L. Rev. 805, 806 (1958) (hereinafter, ''Modern Treaties'').

[7] Herman Walker, Jr., ''The Post-War Commercial Treaty Program of the United States,'' 73 Pol. Sci. Q. 57, 67 (1958).

[8] *Sumitomo Shoji America* v. *Avagliano*, 457 U.S. 176, 187–88 (1982).

[9] *Id.* at 188 n. 18.

[10] Ronny E. Jones, ''State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation'' (1981) (hereinafter ''Jones Study'') at 57. Petitioners presume that MARAD has access to the Jones Study and to the Sullivan Study referenced below. Petitioners will provide copies of these studies to MARAD on request.

[11] *Id.* at 107.

[12] Modern Treaties at 809.

[13] Charles H. Sullivan, ''State Department Standard Draft Treaty of Friendship, Commerce and Navigation'' (undated) (hereinafter ''Sullivan Study'') at 149 (emphasis added).

[14] *Id.* at 148.

[15] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1953, p. 1.

granting grandfather rights to existing businesses were deleted.[16] Eventually, the Japanese negotiators accepted the language in Article VII.2 without any change after the U.S. agreed to the language appearing in the second sentence of Paragraph 4 of the Protocol. The U.S. State Department agreed to the Protocol language only on the understanding that it in no way undermined the prohibition against application of discriminatory laws to existing enterprises in the second sentence of Article VII.2.[17]

''As adopted, the second sentence of Article VII.2 follows the standard treaty text developed by the State Department and used as the basis for more than a dozen FCN treaties. The Sullivan Study notes the breadth of the protection this sentence affords existing companies otherwise subject to VII.2. The Sullivan Study indicates that an enterprise protected by the Article VII.2 grandfather provision is not only protected as to existing property interests or contract rights, but ''is able to enjoy what may be considered normal business growth in terms of acquiring new customers and increasing the dollar volume of its business, but it cannot claim expanded privileges. * * * ''[18] In short, the protections afforded existing investments and existing businesses by the second sentence of Article VII.2 were seen by the U.S. as a key part of the U.S.-Japan FCN and similar FCN treaties, providing substantial protections to foreign investors and businesses. The provision affords NAMCO, NOMCO and their Japanese shareholders the right to continue to hold their direct and indirect investments in the Vessel Owners and, more generally, to continue to transact business with the Vessel Owners on the same basis as permitted prior to passage of the AFA. Similarly, the Article VII.2 grandfather provision guarantees the Vessel Owners the right to own and operate the Vessels in the U.S. fisheries on equal terms with wholly U.S. Citizen-owned enterprises.

''NOMCO and the individual Japanese citizens who have invested in the Vessel Owners are clearly entitled to protection as Japanese nationals which, at the time the AFA was adopted, were ''engaged in * * * activities'' within the United States which the AFA, but for Section 213(g), would prohibit, limit or restrict. NAMCO, Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, the Vessel Owners and AFCO likewise come within the protection of the Article VII.2 grandfather provision by reason of the direct and indirect ownership interests in them held by the Japanese Investors. Thus, the Article VII.2 grandfather provision protects the ownership interests of NOMCO and the Japanese Investors in AFCO and NAMCO; the ownership interests of AFCO[19] and NAMCO in the Vessel Owners; and the Vessel Owners' right to continue to own and operate their respective Vessels in the U.S. fisheries.

''However, as noted above, the Article VII.2 grandfather provision not only protects pre-existing rights and interests acquired, directly or indirectly, by Japanese nationals prior to a discriminatory change in the law, but protects *existing enterprises* from such changes. Accordingly, the Article VII.2 grandfather provision, together with Section 213(g) of the AFA, exempts the Vessel Owners and the Japanese Investors from the new restrictions of Section 202 and 203 of the AFA and 46 C.F.R. Part 356 with respect to (a) the Japanese Investors' existing direct and indirect ownership and financial interests in the Vessel Owners and the Vessels, (b) the continued operations of the Vessels by the Vessel Owners in the U.S. fisheries; and (c) future transactions between or among the Japanese Investors and the Petitioners to further or protect their existing rights and interests in the Vessels and the Vessel Owners, such as by extending loans, taking preferred mortgages or other security in the Vessels or entering into contractual arrangements in furtherance of their existing ownership, financial or other business interests with respect to the Vessels.

''2. *The AFA's Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Violate Article VII.*

''a. *The AFA's Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Impair Petitioners' Existing Rights and Interests With Respect to the Vessels.*

''The AFA's restrictions on foreign financing and foreign ''control'' of fishing vessels imposed by Sections 202 and 203 of the AFA impair the existing rights and interests of Frontier Spirit Company, Frontier Mariner Company, Frontier Explorer Company, NOMCO, NAMCO, AFCO and AFCO's Non-Citizen shareholders (the ''Non-Citizen Guarantors'') under their guaranties in favor of Bank of America and impair the ability of the Japanese Investors to protect and further their existing investment and business interests in the Vessels and the Vessel Owners.

''The harm to Petitioners caused by the AFA consists of three types.

''First, the AFA impairs the existing rights and interests of Petitioners as guarantors of the obligations of the Vessel Owners to Bank of America.

''A ''preferred mortgage'' is a creature of federal statute and gives the mortgagee a lien on the mortgaged vessel, enforceable in U.S. District Court under a priority scheme that protects the mortgagee from most maritime and non-maritime liens.[20] 46 U.S.C. 31326(b)(1) gives the preferred mortgage lien priority over all liens arising after filing of the mortgage except a limited number of ''preferred maritime liens'' listed at 46 U.S.C. 31301(5) and provides that a sale of the vessel by order of the District Court terminates all liens or other claims against the vessel, thus ensuring the purchaser clear title and allowing the mortgagee to realize maximum value for its security. Since maritime liens in favor of suppliers, materialmen, repairmen others arise in the course of the ordinary operations of the vessel, protection against such liens is essential to the mortgagee's security, as is the ability to terminate those liens on foreclosure and to sell the vessel ''free and clear'' of all liens. Absent ''preferred mortgage'' status, a mortgage provides no protection against maritime liens and little or no security for the lender. Thus, Bank of America's rights under the existing preferred mortgages on the Vessels are valuable rights.

''Current law permits wholly or partly Japanese-owned lenders, such as the Non-Citizen Guarantors, to hold preferred mortgage interests in U.S. fishing vessels directly.[21] As guarantors of the loan and currency swap agreements between the Vessel Owners and Bank of America, the Non-Citizen Guarantors may be required to pay off the obligations of the Vessel Owners in the event they default on repayment of their loans. In this situation, under the law of subrogation, the guarantors will step into the shoes of Bank of America with respect to its existing loan documents, including the preferred mortgages on the Vessels.[22] While neither the AFA nor MARAD's implementing rules expressly address the rights of a guarantor in this situation, the AFA prohibits a Non-Citizen, such as the Non-Citizen Guarantors, (1) from directly acquiring Bank of America's interests in the preferred mortgages;[23] and (2) from holding even a beneficial interest in the mortgages (*i.e.*, as the beneficiary under a mortgage trust arrangement) unless MARAD has previously reviewed and approved the terms of all related loan documents.[24] Acquisition by the Non-Citizen Guarantors of Bank of America's position vis-à-vis the Vessel Owners pursuant to their existing rights under the law of subrogation would result in the invalidation of the Vessels' fishery endorsements.[25]

''The AFA contains a new definition of impermissible Non-Citizen ''control''[26] and requires transfers of ''control'' of fishing vessels to be ''rigorously scrutinized'' by

[16] Annex, Attachment 3, Memorandum from Frank A. Waring, Counselor of U.S. Embassy for Economic Affairs (undated excerpt).

[17] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1953, p. 1, and Attachment 4, Department of State Office Memorandum dated March 23, 1953, pp. 1–2.

[18] Sullivan Study at 150.

[19] Through its wholly owned subsidiaries, Frontier Spirit Company, Frontier Mariner Company and Frontier Explorer Company.

[20] *See, generally,* 46 U.S.C. Chapter 313.

[21] *Compare* 46 U.S.C. 31322(a), as now in effect, with 46 U.S.C. 31322(a)(4), as amended by Section 202(b) of the AFA.

[22] Restatement, Third, Suretyship and Guaranty Section 27 (1996); Restatement of Security Section 141 (1941); Dobbs Law of Remedies Section 4.3(4) (2d ed. 1993); 73 Am.Jur., 2d Subrogation Section 106 (1974); *Petro Paint Mfg. Co.* v. *Freeman,* 170 Wash. 390, 392, 16 P.2d 609 (1932). *See also, Mahler* v. *Szucs,* 135 Wn.2d 398, 412, 957 P.2d 632 (1998); *Livingston* v. *Shelton,* 85 Wn.2d 615, 619, 537 P.2d 774 (1975); *Timms* v. *James,* 28 Wn.App. 76, 80, 621 P.2d 798 (1980); *MGIC Financial Corp.* v. *H.A. Briggs Co.,* 24 Wn.App. 1, 6, 600 P. 2d 573 (1979).

[23] 46 U.S.C. § 31322(a)(4), as amended by Section 202(b) of the AFA, and 46 C.F.R. § 356.19.

[24] 46 U.S.C. § 12102(c)(4)(A), as amended by Section 202(a) of the AFA, and 46 C.F.R. §§ 356.15(d) and 356.21(d).

[25] 46 U.S.C. 12102(c)(4)(A), as amended by the AFA, and AFA Section 203(e). 46 C.F.R. 356.45 would not apply, among other reasons, because the Bank's loans are secured by preferred mortgages on the Vessels.

[26] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

MARAD under this new standard.[27] MARAD has implemented the AFA's new ''control'' standard by adopting a host of new restrictions and limitations on contractual and other business arrangements between fishing vessel owners and Non-Citizens, including financing transactions, management agreements and marketing agreements.[28] Unless MARAD reviews and approves the loan agreements, preferred mortgages and other financing documents previously executed by the Vessel Owners in favor of Bank of America under these new standards, the Vessels will lose their fishery endorsements and the Vessel Owners will no longer be permitted to own or operate the Vessels in the U.S. fisheries, if the Non-Citizen Guarantors succeed to the rights and interests of Bank of America—even through a qualified Mortgage Trustee.[29] This, in turn, will destroy the value of the Vessels as security under the mortgages and destroy the ability of the Vessel Owners to pay the debts which the mortgages secure. By prohibiting the Non-Citizen Guarantors from succeeding to the interests of Bank of America under the law of subrogation and imposing new conditions and restrictions on the terms of their existing financing arrangements, including a new requirement of administrative review and approval of the loan documents under AFA's new ''control'' standards, the AFA and MARAD's implementing regulations impair the rights and interests of the Non-Citizen Guarantors under their guaranties and under the existing preferred mortgages and related loan documents.

''The second way in which the AFA's new restrictions on foreign ''control'' harm the Petitioners is by impairing, prohibiting or restricting their existing contractual arrangements with respect to the Vessels. The Management Agreements between the Vessel Owners and AFCO may be impermissible because of the role played by AFCO, a Non-Citizen, in managing the Vessels. It is similarly uncertain whether the Vessel Manning Agreements between the Vessel Owners and NAMCO and the Marketing Agreements and Services Agreements between the Vessel Owners and NOMCO are permissible. The standards for evaluating such agreements under the AFA and Part 356—individually, in combination with one another and in combination with other factors—are so vague that the permissibility of Petitioners' existing contract arrangements under the AFA cannot be determined except by obtaining an ad hoc decision by MARAD. Accordingly, the AFA requires Petitioners to seek MARAD approval of all of these agreements, unless Petitioners are exempted from the AFA's requirements with respect to these agreements.[30]

''The third way in which the AFA's new restrictions on foreign financing and foreign ''control'' harm the Petitioners is by restricting the ability of the Japanese Investors and the U.S. companies in which they have invested to enter into future financing and other contractual arrangements with the Vessel Owners in order to protect and further their existing investment and other business interests in the Vessel Owners and the Vessels. The AFA's restrictions on foreign ''control'' and foreign financing of fishing vessels will limit the ability of the Japanese Investors and the U.S. companies in which they have invested to protect their investments and interests in the Vessels by entering into management agreements, exclusive marketing agreements or by offering the Vessel Owners financing for vessel operations, repairs or improvements. The ability of the Japanese Investors to make loans to support the Vessels' continuing operations or necessary repairs or improvements may be the only means to protect the Vessel Owners from insolvency and default on their loans from Bank of America, potentially jeopardizing Petitioners' investments and triggering the obligations of the Non-Citizen Guarantors on their guaranties. Thus, the AFA's restrictions on the ability of the Japanese Investors to make loans to the Vessel Owners, to take security in the Vessels and to enter into other contractual arrangements related to the Vessels jeopardize the existing financial and business interests of all of the Petitioners.

''The provisions of 46 C.F.R. 356.45 which approve certain loans by Non-Citizens to fishing vessel owners are too restrictive to permit the types of loans which may be necessary to permit Petitioners to protect their ownership and other business interests in the Vessels. Section 356.45(a)(2) permits advances to vessel owners by Non-Citizens ''[w]here the basis of the advancement is an agreement between the Non-Citizen and the vessel owner * * * to sell all or a portion of the vessel's catch to the Non-Citizen'' but prohibits the lender from taking security in the vessel and limits such loans to the annual ''value of the product to be supplied to the [Non-Citizen].'' These limitations are not found in existing law and significantly restrict the ability of the Japanese Investors to make loans which business circumstances may require. Section 356.45(b) permits certain types of loans but only if the loan is wholly unsecured and only if the Non-Citizen lender ''is not affiliated with any party with whom [the vessel owner] has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract.'' Thus, future financing arrangements between the Vessel Owners and the Japanese Investors are severely limited and restricted under these provisions.

''b. *The Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

''The new restrictions on foreign financing and foreign ''control'' of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) Impairing the existing legal rights and interests of the Non-Citizen Guarantors under Bank of America's existing preferred mortgages and related loan documents; (2) subjecting the rights of the Non-Citizen Guarantors under Bank of America's existing loan documents to a new requirement of administrative review and approval by MARAD under the new ''control'' standards of the AFA and MARAD's implementing rules; (3) impairing the existing rights and interests of Petitioners under existing contracts ancillary to their ownership and financing arrangements with respect to the Vessels; and (4) restricting the ability of Petitioners and the Japanese Investors to extend credit to the Vessel Owners, take preferred mortgages on the Vessels or enter into other contractual arrangements with respect to the Vessels or the Vessel Owners necessary to further or protect the existing financial and business interests of the Japanese Investors.

''Article VII.1 extends full national treatment protection ''with respect to engaging in all types of commercial, industrial, financial and other business activities.'' The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1. It follows that the rights and interests of Non-Citizen Guarantors who succeed to the rights of the lender under existing loan documentation are also protected.

''At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[31] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting ''financial'' from the activities provided national treatment in the first sentence of the provision.

''A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a ''difficulty going to heart of treaty.''[32] The State Department opposed any change that would delete the word ''financial'' from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word ''lending'' to the exception provided in the first sentence of Article VII.2, so that the exception would extend to ''banking involving depository, lending or fiduciary functions.'' In response, the State Department reiterated its opposition to any change that would deny foreign lenders the

[27] AFA Section 203(c)(2).

[28] *See, generally,* 46 C.F.R. 356.11, 356.13–15, 356.21–25, 356.39–45.

[29] *See* 46 U.S.C. 12102(c)(4)(A), 46 C.F.R. 356.15(d), 356.21(d) and AFA Section 203(e).

[30] Of course, if AFCO and the Vessel Owners are exempt from the ownership requirements of the AFA, then they should also be exempt with respect to their contractual arrangements.

[31] Annex, Attachment 5, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[32] Annex, Attachment 6, Dept. of State Outgoing Telegram dated March 10, 1952, p. 1; *See also,* Attachment 5 at p 3, noting that the ''* * * first paragraph of Article VII can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment.''

right to full national treatment under Article VII.1.

''A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[33] The cable states: ''Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money.'' [34] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[35]

''The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that ''this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1).'' [36] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking. It is clear, therefore, that the reference in the first sentence of Article VII.2 to ''banking involving depository or fiduciary functions'' does not include the financing activities of the Non-Citizen Guarantors or the Japanese Investors. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[37]

''The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by mortgages on U.S. vessels, to enter into contracts with the vessel owner or to make loans or enter into contracts with a vessel owner without prior MARAD approval of the loan or contract terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for Non-Citizen lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to ''all types of commercial * * * financial and other business activities.'' Under Article VII.1, neither State Party may restrict loans by nationals of the other to a fishing vessel owner or other contractual arrangements between such foreign nationals and vessel owners.

''The AFA and MARAD's implementing rules impose new restrictions on the ability of the Petitioners and the Japanese Investors, going forward, to protect their existing investments, financial interests and other business interests in the Vessel Owners and the Vessels by, *e.g.,* refinancing existing loans, advancing new loans for operation, repair or improvement of the Vessels or entering into other financing or contractual arrangements with the Vessel Owners. These restrictions are not permitted by Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing or contractual arrangements that are now outstanding under the terms of existing financing documents or contracts and to future financing and contractual arrangements by the Japanese Investors with respect to the Vessels or the Vessel Owners.

''For these reasons, Petitioners seek a determination by MARAD that Sections 202 and 203 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) existing rights and interests of the Non-Citizen Guarantors under preferred mortgages on the Vessels and associated loan, guaranty and security documents previously executed by the Vessel Owners and the Non-Citizen Guarantors in favor of Bank of America; (b) contracts entered into with respect to the Vessels between or among the Petitioners or the Japanese Investors prior to the effective date of the AFA; and (c) future financing and contractual arrangements between or among the Petitioners or the Japanese Investors with respect to the Vessels.

''3. *The AFA and MARAD's Implementing Rules Impair Petitioners' Legally Acquired Rights in Violation of Article V.*

''The new restrictions imposed by Sections 202 and 203 of the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are ''unreasonable or discriminatory measures'' that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

''Article V provides that ''[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established. * * *'' The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision ''offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty.'' [38] Herman Walker observed that this language is designed ''to account for the possibility of injurious governmental harassments short of expropriation or sequestration.'' [39] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language ''affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests.'' [40]

''The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial ''of opportunities and facilities for the investment of capital.'' The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[41]

''Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a ''taking.'' Article V prohibits

[33] Annex, Attachment 7, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[34] *Id.*

[35] Annex, Attachment 8, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

[36] Sullivan Study at 144.

[37] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing or ''control'' of fishing vessels, the grandfather provision of Article VII.2 would clearly protect the Japanese Investors and the Non-Citizen Guarantors with respect to their existing rights and interests, as the holders of ownership interests and contingent mortgage interests in the Vessels and rights under existing contracts—and with respect to future financing and contractual arrangements undertaken to further or protect those interests. The Japanese Investors and Non-Citizen Guarantors ''acquired interests'' in the Vessel Owners and the Vessels in reliance on existing law and are thus entitled to national treatment with respect to both their existing rights and interests and with respect to future dealings with the Vessel Owners to further or protect those existing rights and interests.

[38] Sullivan Study at 115.

[39] Herman Walker, Jr., ''Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice,'' 5 Am. J. Comp. Law 229, 236 (1956).

[40] Annex, Attachment 11, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[41] *Id. See also,* Annex, Attachment 12, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, pp. 2–3. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language ''could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises.''

deprivations of both most-favored nation treatment and national treatment. Sullivan Study at 115. Thus, it would apply to the variety of discriminatory prohibitions and restrictions that the AFA and MARAD's implementing regulations impose on Petitioners, based on the Japanese Investors' ownership interests, preferred mortgage interests and other contract rights and interests, and on the ability of the Japanese Investors to protect those rights and interests by entering into future transactions with the Vessel Owners.

''The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on financing and other business transactions between Non-Citizens, such as the Japanese Investors, and U.S. fishing vessel owners place Non-Citizens and vessel owners in which they have invested at a significant competitive disadvantage. U.S. Citizen investors are free to make loans and to enter into contracts with the fishing vessel owners in which they have invested without restriction. Under 46 CFR 356.45, a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if (a) the loan exceeds the annual value of the vessel's catch (where an exclusive marketing agreement is involved;[42] or (b) the lender is ''affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract. * * *''[43] Under these standards, the Japanese Investors will not be permitted to make future loans to the Vessel Owners, secured or unsecured, to protect their existing ownership and other financial interests. Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory burden, particularly in the absence of coherent standards. The AFA and MARAD's rules thus impose ''unreasonable or discriminatory measures'' on the Japanese Investors and the companies in which they have invested, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

''4. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a ''Taking'' in Violation of Article VI.3.*

''The first sentence of Article VI.3 of the Treaty states that ''[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation.'' This ''takings'' provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit the Petitioners from holding their pre-existing ownership interests, their rights and interests as guarantors under the Bank of America mortgages and other loan documents and their rights under ancillary contracts with the Vessel Owners would deprive them of their property in violation of Article VI.3.

''The term ''property'' in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that ''[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.'' Protocol, ¶ 2 (emphasis added). As the United States delegates made clear during the negotiation of the Treaty, the phrase ''interests held directly or indirectly'' is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[44]

In short, ''all property interests are contemplated by the provision.''[45] This necessarily includes the direct and indirect ownership interests which the Petitioners have in the Vessel Owners and in the Vessels and the interests of the Non-Citizen Guarantors, as potential subrogees, under Bank of America's preferred mortgages and other loan documents, together with ancillary contract rights.

''The concept of a taking in this context is broad and ''is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations *and other impairments of interests in or uses of property.*'' Sullivan Study at 116 (emphasis added). Here, the AFA's new restrictions on foreign investment and foreign financing will prohibit the Vessel Owners from using their Vessels in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessels by prohibiting their productive use or force divestiture. The impairment of the presently existing rights of the Vessel Owners to use their Vessels in the U.S. fisheries—and the rights of the other Petitioners to hold their existing direct and indirect ownership interests in the Vessel Owners and their contingent mortgage interests in the Vessels—is a sufficient impairment of those rights and interests as to constitute a violation of Article VI.3.

''Further, a taking is permitted under the Treaty only for a ''public purpose,'' and it is clear that application of the AFA's ownership restrictions to the Vessel Owners so as to force a divestiture of the interests of the Japanese Investors to a private party which qualifies as a U.S. Citizen would not satisfy the ''public purpose'' requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a ''public purpose,'' the AFA makes no provision for the ''prompt payment of just compensation,'' as required by Article VI.3. The fact that the AFA and 46 C.F.R. Part 356 fail to provide any compensation scheme—let alone ''adequate provision * * * at or prior to the time of taking for the determination and payment thereof''—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

''5. *Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.*

''Article XIX.6 provides that notwithstanding any other provision of the Treaty, ''each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries. * * *.'' This provision does not authorize the discriminatory limitations on Japanese investment and financing contained in the AFA and MARAD's implementing rules.

''Even if Article XIX.6 is interpreted as applying to fishing vessels,[46] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to ''its own vessels,'' the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to ''U.S. flag vessels.''[47] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

''The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to ''nationals, companies and vessels of the other Party any special privileges reserved to national fisheries.''[48] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[49] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged. The issue of Japanese investment in and other dealings with enterprises

[42] *See* § 356.45(a)(2)(i).

[43] *See* § 356.45(b)(1).

[44] Annex, Attachment 10, Memorandum of Conversation dated April 15, 1952 at p. 3.

[45] *Id.*

[46] Article XIX.7 defines ''vessel'' to exclude ''fishing vessels'' for purposes of Article XIX.6.

[47] Annex, Attachment 9, Letter to the chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964, as published in the Jones Study, p. 80.

[48] *See* Annex, Attachment 13, Memorandum of Conversation held April 3, 1952, at 5.

[49] Annex, Attachment 14, Department of State Outgoing Airgram, dated June 12, 1952, at 1–2 (noting that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that ''[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries'').

owning or operating U.S. flag fishing vessels was left to Article VII.

''Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[50] Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel *owners* and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3, VII or IX.2, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owners and the Vessels.

''This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that ''[t]he crucial element in Article XIX is that it relates to the treatment of *vessels* and to the treatment of their cargoes. *It is not concerned with the treatment of the enterprises which own the vessels* and the cargoes.'' [51]

''6. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

''The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of ''national treatment'' applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

''For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[52] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 CFR Part 356.

''7. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

''The United States has agreed in Article XXIV of the Treaty to give ''sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty.'' The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to Jo Brooks of the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's ''new U.S. citizen ownership and control requirements'' ''if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of America.'' [53] The Minister for Economic Affairs noted section 213(g) of the AFA and stated the position of the Government of Japan as follows:

As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as ''the Treaty.'' Paragraph two of Article VII of the Treaty states that ''* * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.'' The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c) [54] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.

Moreover, paragraph one of Article V of the Treaty states that ''Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—'' This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.

Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c). * * * [55]

In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the ''concern'' of the Government of Japan about regulations proposed by MARAD to implement the AFA.[56] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is ''inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America'' and therefore ''in accordance with the provision of Section 213(g) of the Act'' ''will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations.'' With respect to MARAD's proposed regulations, the Embassy of Japan noted that the regulations ''would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities even before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty.'' [57] The Embassy of Japan noted further:

The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so. [58]

The Government of Japan requested ''that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA.'' [59]

''Thus, the Government of Japan has strongly expressed its view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give ''sympathetic consideration'' to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States

[50] *See* fn. 45. *See also,* Jones Study at 80–81.

[51] Sullivan Study at 284 (emphasis added).

[52] *See, generally,* Jones Study.

[53] Annex, Attachment 15 (August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.

[54] There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. 12102(c).

[55] Annex, Attachment 15 at 1–2.

[56] Annex, Attachment 16 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't of State at 1.

[57] *Id.*

[58] *Id.* at 2.

[59] Id.

in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA and the implementing provisions of Section 203 and 46 C.F.R. Part 356 with respect to the Vessels.

''B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign ''Control'' of U.S. Fishing Vessels.

''Sections 202 and 203 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 CFR Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing ownership, mortgage, contract and other legal rights and interests in violation of the U.S.-Japan FCN. Application of the new restrictions to bar the Japanese Investors or companies in which they have invested from entering into future transactions with the Vessel Owners, particularly financing and ancillary contractual arrangements, would also violate the U.S.-Japan FCN by substantially impairing the ability of the Japanese Investors to protect their existing rights and interests and to carry on their existing lawful business activities in the United States in conformity with existing law and on an equal footing with U.S. Citizens.

''To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every ''owner'' or ''mortgagee'' holding an ownership or mortgage interest on October 1, 2001, when Sections 202 and 203 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to ''subsequent owners and mortgagees'' who acquire their interests *after* October 1, 2001 or ''to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date*,'' (emphasis added).

''Petitioners are ''owners'' and ''mortgagees'' who acquired their interests in the Vessels prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001. The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[60] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes ''ought never to be construed to violate the law of nations if any other possible construction remains.'' [61] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with and supersede U.S. treaty obligations.[62] Here, it is apparent from the terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN by exempting ''owners'' and ''mortgagees'' from provisions of the AFA which would otherwise be inconsistent with U.S. treaty obligations. The inconsistency between Sections 202 and 203 of the AFA and the requirements of the U.S.-Japan FCN is demonstrated above with respect to Petitioners. Accordingly, under Section 213(g) of the Act, the provisions of Sections 202 and 203 ''shall not apply'' to Petitioners ''to the extent of * * * such inconsistency.''

''The exemption provided by Section 213(g) is not limited to existing property rights, mortgage interests or investment interests in existence on October 1, 2001, but rather applies to fully exempt an ''owner'' or ''mortgagee'' on October 1, 2001 ''to the extent of the inconsistency'' between the Act and the Treaty ''with respect to'' the vessel in which the owner or mortgagee holds an interest. Petitioners qualify as both ''owners'' and ''mortgagees'' ''with respect to [the Vessels].'' [63] Petitioners are, therefore, exempt from the requirements of the AFA ''with respect to [the Vessels]'' ''to the extent of the inconsistency'' between the AFA and the Treaty. As demonstrated above, the ''inconsistency'' between the AFA and the Treaty is three-fold: (1) The Treaty protects the Petitioners' existing direct and indirect ownership interests in the Vessels and the right of the Vessel Owners to continue to own and operate the Vessels in the U.S. fisheries under existing ownership arrangements—rights and interests which the AFA would impair, prohibit or restrict; (2) the Treaty protects the interests of the Non-Citizen Guarantors in the Bank of America preferred mortgages and other loan documents—interests which the AFA would impair, prohibit or restrict; and (3) the Treaty protects the rights of the Japanese Investors (NOMCO, NAMCO and their Japanese shareholders), the other Petitioners and the Vessel Owners to enter into future transactions between or among themselves with respect to the Vessels to protect or further their existing ownership, financial and other business interests in the Vessels—rights which the AFA would impair, prohibit or restrict. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202 and 203 of the AFA and MARAD's implementing rules with respect to the Vessels.''

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

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BILLING CODE 4910–81–P

[60] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.,* 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[61] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras,* 370 U.S. 10, 21 (1963).

[62] *Id. See also, Sumitomo Shoji America, Inc.* v. *Avagliano,* et al., 457 U.S.176 (1982).

[63] While the Non-Citizen Guarantors do not currently hold the mortgages on the Vessels, they have interests in those mortgages by virture of their guaranties in favor of Bank of America. Their rights to succeed to the Bank's interest in the mortgages is impaired by the AFA and MARAD's implementing rules. These rights are protected in any event by virtue of status of the Non-Citizen Guarantors as ''owners'' within the meaning of Section 213(g).

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8928]

GREAT PACIFIC—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (MARAD, we, our, or us) is soliciting public comments on a petition from the owners and mortgagees of the vessel GREAT PACIFIC—Official No. 608458 (hereinafter the ''Vessel''). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 (''AFA''), Division C, Title II, Subtitle I, Pub. L. 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) (''U.S.-Japan FCN'' or ''Treaty''). The petition is submitted pursuant to 46 CFR 356.53 and section 213(g) of AFA, which provide that the requirements of

the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, D.C., 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of section 2(b) of Shipping Act, 1916 (''1916 Act''), as amended, 46 App. U.S.C. § 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. § 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather ''savings provision'' in the Anti-Reflagging Act of 1987, Public Law 100–239, § 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of section 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of § 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Mortgage Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR § 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Great Pacific Limited Partnership (the ''Vessel Owner'' or the ''Partnership''), Wards Cove Packing Company (''Wards Cove''), Dall Head, Inc. (''DHI''), Western Alaska Fisheries, Inc. (''WAF'') and Maruha Corporation (''Maruha'') are owners of direct and indirect interests in the Vessel Owner and the Vessel. Alyeska Seafoods, Inc. (''Alyeska'') is a seafood processor that has entered into loans and other contractual arrangements with the Partnership and its partners and that is owned in substantial part by Maruha. (Each of the above identified parties is referred to hereinafter individually as a ''Petitioner'' and collectively as the ''Petitioners.'')

Ownership, Mortgage Structure, and Contractual Arrangements for the Vessel

The Petitioner provided the following information about the ownership, mortgage structure and other contractual obligations of the Vessel:

A. Ownership Structure

Great Pacific Limited Partnership, a Washington limited partnership formed in 1991 for the purpose of acquiring and operating the GREAT PACIFIC, is the owner of the Vessel. DHI, the sole general partner of Great Pacific Limited Partnership, is a Washington corporation which has a 51% interest in the partnership. All of DHI's officers and directors are individual U.S. Citizens and 100% of the issued and outstanding capital stock of DHI is owned by Wards Cove. Wards Cove, a fish processing company which has been engaged in processing salmon and other fish and shellfish species in Alaska since 1912, is owned entirely by U.S. Citizens.

WAF, an Alaska Corporation, is the sole limited partner of Great Pacific

Limited Partnership and has a 49% interest in the partnership. WAF is wholly owned by Maruha, a Japanese corporation.

B. Mortgage Structure

The purchase of the GREAT PACIFIC by Great Pacific Limited Partnership was financed in part by unsecured loans provided by Alyeska to Wards Cove and WAF. The proceeds of these loans, together with additional equity capital provided separately by WAF and Wards Cove, were ultimately contributed as capital to Great Pacific Limited Partnership in proportion to the partners' resulting ownership interests. Great Pacific Limited Partnership used these capital contributions to purchase the GREAT PACIFIC. There are no mortgages or other security interests encumbering the GREAT PACIFIC.

Alyeska assisted in financing the acquisition of the Vessel by the Vessel Owner with the understanding that the fish harvested by the Vessel would be sold to Alyeska and in reliance on the assured revenue stream which sales to Alyeska would provide to the Vessel Owner and its partners.

C. Working Capital Financing and Other Contractual Arrangements

1. Commercial Revolving Credit Line Loan and Security Agreement

Great Pacific Limited Partnership entered into a Commercial Revolving Credit Line Loan and Security Agreement, dated February 10, 1999, with Alyeska under which Alyeska agreed to provide the Partnership an $800,000 working capital revolving line of credit. This line of credit is secured by a security interest in all accounts, contract rights and proceeds arising from the Partnership's sale of fish to Alyeska. The Petitioners state that Alyeska has no right to control the Vessel Owner or the operation, management or harvesting activities of the Vessel under the terms of the Commercial Revolving Credit Line Loan and Security Agreement.

2. Fishing Commitment Agreement

Great Pacific Limited Partnership entered into a Fishing Commitment Agreement with Alyeska, dated April 28, 2000, in which the Partnership agreed that the Vessel will harvest pollock and deliver at least 90% of its total pollock catch each year to Alyeska's processing plant at Dutch Harbor (Unalaska), Alaska. Petitioners note that the terms of the Fishing Commitment Agreement essentially mirror the contractual commitments which Alyeska has made to the other vessel owners delivering to Alyeska under the auspices of the Unalaska Fleet Cooperative. In return for the Partnership's commitment and consistent with Alyeska's arrangements with the other vessel owners who have agreed to deliver fish to its Dutch Harbor processing plant, Alyeska has agreed to pay the Partnership a substantial annual ''commitment fee.'' The term of the Fishing Commitment Agreement is from January 1, 2000 to December 31, 2004, unless sooner terminated by either party. The Agreement is terminable by either party at any time by written notice to the other, with or without cause. The Petitioners state that the Agreement contains no provisions that convey control of the Partnership or the Vessel's operation, management or harvesting activities to Alyeska or any other Non-Citizen.

Requested Action

The Petitioners seek a determination from MARAD under section 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR Part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR Part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) the existing ownership interests in the Vessels held, directly or indirectly, by the Vessel Owner, WAF, or Maruha;

(2) Alyeska's loans to the Partnership and to the partners of the Partnership; and

(3) the Fishing Commitment Agreement between Alyeska and the Partnership.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov.* The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

''A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry are Inconsistent with U.S. Obligations Under the U.S.-Japan FCN.

''1. *The AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign Control Violate Article VII.*

''(a) *The AFA's Restrictions on Foreign Ownership Impair Petitioners' Existing Ownership Interests.*

''The AFA's new restrictions on foreign investment in fishing vessels will prohibit the Partnership from employing the Vessel in the U.S. fisheries on and after October 1, 2001, because the extent of Japanese investment in the Vessel Owners exceeds the maximum permitted by the AFA.

''A vessel cannot lawfully be employed in the fisheries of the United States unless it is documented as a vessel of the United States with a fishery endorsement issued pursuant to 46 U.S.C. Chapter 121. 46 U.S.C. Chapter 121 sets out the requirements which must be met for a vessel to be eligible for documentation with a fishery endorsement, including requirements related to the citizenship of vessel owners and their investors.

''The GREAT PACIFIC is a fishing vessel, designed and constructed or rebuilt for use in the U.S. fisheries and operated in the U.S. fisheries of the North Pacific Ocean and Bering Sea. The Vessel has no other significant economic uses. The Partnership is eligible to own a vessel with a fishery endorsement under the current standards of 46 U.S.C. Chapter 121, since DHI, a U.S. Citizen, is the sole general partner of the Partnership and owns a majority interest in the Partnership.[9] The Vessel is documented as a vessel of the United States with a fishery endorsement.

''However, the Partnership will be prohibited from owning or operating the Vessel in the U.S. fisheries on and after October 1, 2001, under the new restrictions on foreign investment in fishing vessels imposed by the AFA and MARAD's implementing rules, codified at 46 CFR Part 356.[10] The ownership

[9] *See* 46 U.S.C. § 12102(a)(3) and (c)(1).

[10] 65 FR 44860 *et seq.,* July 19, 2000.

interest held in Great Pacific Limited Partnership by WAF, a Non-Citizen, is 49%. This exceeds the maximum percentage interest—25%—permitted to be held by Non-Citizens under Section 202(a) of the AFA, effective on and after October 1, 2001.[11] The AFA requires MARAD to revoke the fishery endorsement of any fishing vessel whose owner does not comply with this new requirement.[12] Accordingly, unless exempted from the AFA's new requirements, the Partnership will no longer be permitted to own and operate the GREAT PACIFIC in the U.S. fisheries as of October 1, 2001.

''(b) *The AFA's Impairment of Petitioners' Existing Ownership Interests Violates Article VII.1 and the Grandfather Provision of Article VII.2.*

''The AFA's impairment of Petitioners' existing ownership interests in the Vessel violates their right to ''national treatment'' under Article VII.1 and the grandfather provision of Article VII.2 of the U.S.-Japan FCN.

''The U.S.-Japan FCN was one of a series of similar Friendship, Commerce and Navigation (''FCN'') Treaties entered into by the United States with various countries after World War II, based on a standard State Department treaty text. All of these treaties reflect U.S. post-war policy to encourage and protect international trade and investment. Herman Walker, Jr., the principal author of the standard FCN treaty text and one of the principal State Department negotiators during this period, has described the FCN treaties as ''concerned with the protection of persons, natural and juridical, and of the property interests of such persons.''[13]

''Article VII.1 of the U.S.-Japan FCN guarantees broad ''national treatment'' for the nationals and enterprises of the U.S. and Japan when doing business within the jurisdiction of the other country. Article XXII.1 of the U.S.-Japan FCN defines ''national treatment'' as ''treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.'' The principle of national treatment is the central principle of all of the post-war FCN treaties. National treatment requires that each State Party must treat nationals of the other in the same way that it treats its own nationals. The treaties focus on business and investment. ''The right of corporations to engage in business on a national-treatment basis may be said to constitute the heart of the treaty as an investment instrument.''[14] In a case involving interpretation of the U.S.-Japan FCN, the United States Supreme Court noted that the purpose of the FCN treaties was ''to assure [foreign corporations] the right to conduct business on an equal basis without suffering discrimination based on their alienage.''[15] ''[N]ational treatment of corporations means equal treatment with domestic corporations.''[16]

''The Preamble of the U.S.-Japan FCN provides that guaranteeing nationals of each Party ''national * * * treatment unconditionally'' is one of the two general principles upon which the U.S.-Japan FCN was based. Use of the word ''unconditionally'' in this context clearly demonstrates the strength of the drafters' general intent. Accordingly, the exceptions to the principle of national treatment stated in the U.S.-Japan FCN must be narrowly construed.

''The AFA's retroactive prohibition of the ownership interest in the Partnership acquired by WAF in compliance with existing law clearly denies national treatment to WAF, Maruha and the Partnership. The AFA's new limitation on foreign ownership of fishing vessels is thus inconsistent with the most fundamental principle of the U.S.-Japan FCN.

''The first sentence of Article VII.2 of the U.S.-Japan FCN provides a limited exception to the principle of national treatment for enterprises engaged in ''the exploitation of land or other natural resources.'' Even in that context, however, the second sentence of Article VII.2 (referred to as the ''grandfather'' provision of Article VII.2) prohibits application of new restrictions and limitations to Japanese nationals or enterprises which have previously ''acquired interests'' in enterprises owning U.S. fishing vessels or have previously engaged in the business activities now to be restricted. Article VII.2 provides in pertinent part:

> Each Party reserves the right to limit the extent to which aliens may within its territories establish, acquire interests in, or carry on * * * enterprises engaged in * * * the exploitation of land or other natural resources. *However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.*[17]

The grandfather provision of Article VII.2 thus provides that any new limitations on national treatment placed on alien participation in the sectors covered by the first sentence of Article VII.2 shall not apply to existing enterprises engaged in business within those sectors at the time such new limitations are adopted.

''A study commissioned by the State Department of its past interpretations of the FCN treaties notes that, under the grandfather provision of Article VII.2, ''protection is afforded to any privilege granted * * * prior to a change in national treatment; hence at a minimum these foreign enterprises are guaranteed the maintenance of their existing operations.''[18] ''[R]egulations that force divestiture of interests already acquired or established prior to promulgation of such regulation * * * raise Art. VII questions.''[19] Herman Walker, Jr. stated the purpose of the Article VII.2 grandfather provision clearly: ''The aim is to * * * guarantee duly established investors against subsequent discrimination. The failure to find a welcome as to entry is of much less importance than would be a failure, once having entered and invested in good faith, to be protected against subsequent harsh treatment.''[20] In describing the import of the phrase

[11] *See* 46 U.S. 12102(c)(1), as amended. The AFA makes two principal changes to the existing limitation on foreign ownership of fishing vessels: (1) The required percentage of U.S. Citizen ownership is increased from ''a majority'' to 75%; and (2) this new test is to be applied both ''at each tier of ownership and in the aggregate,'' whereas the existing standard is applied solely at each tier of ownership, allowing foreign interests ''in the aggregate'' to exceed 50%, as long as majority U.S. ownership is maintained ''at each tier.'' *See* 46 CFR 221.3(c) (a U.S. citizen is a Person who ''at each tier of ownership'' satisfies the percentage U.S. ownership requirement). *Compare,* 46 USC 12102(c) and 46 CFR 67.31(c), with 46 U.S.C. 12102(c)(1), as amended by Section 202(a) of the Act, and 46 CFR 356.9. In addition, Section 204 of the AFA repeals a provision of prior law which permits 100% foreign owned corporations to own vessels, such as the GREAT PACIFIC, that were documented with a fishery endorsement and operated in the U.S. fisheries prior to July 1987.

[12] AFA Section 203(e).

[13] Herman Walker, Jr., ''Modern Treaties of Friendship, Commerce and Navigation,'' 42 Minn. L. Rev. 805, 806 (1958) (hereinafter, ''Modern Treaties'').

[14] Herman Walker, Jr., ''The Post-War Commercial Treaty Program of the United States,'' 73 Pol. Sci. Q. 57, 67 (1958).

[15] *Sumitomo Shoji America* v. *Avagliano,* 457 U.S. 176, 187–88 (1982).

[16] *Id.* at 188 n. 18.

[17] Emphasis added.

[18] Ronny E. Jones, ''State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation'' (1981) (hereinfafter ''Jones Study'') at 57. Petitioners presume that MARAD has access to the Jones Study and to the Sullivan Study referenced below. Petitioners will provide copies of these studies to MARAD on request.

[19] *Id.* at 107.

[20] Modern Treaties at 809.

''new limitations,'' another State Department study states,

> The net effect [of the second sentence of Article VII.2] is that, although not obligated to allow alien interests to become established in those fields of activity, *rights which have been extended in the past shall be respected and exempted from the application of new restrictions.*[21]

The second sentence of Article VII(2) is a grandfather clause intended in the interest of fairness to protect legitimately established alien enterprises against retroactive impairment.''[22]

''Both State Parties placed great importance on the grandfather provision of Article VII.2 because they recognized that it would not only protect existing property rights but would entitle foreign-owned enterprises to continue to operate in the same manner as before, notwithstanding later limitations placed on the rights of foreign-owned entities to engage in such business activities. It was a ''principal negotiating point'' of the U.S. side to ensure that the reservations in Article VII.2 would not permit retroactive application of any new limits to companies already engaged in relevant business activities.[23]

''The U.S. negotiators therefore resisted efforts to modify the grandfather provision of Article VII.2, despite strong Japanese efforts to restrict its application. As an indication of the importance the Japanese negotiators attached to the provision, the Japanese Embassy at one point late in the negotiations indicated that the Ministry of Finance might be persuaded to withdraw ''all other objections'' to the draft treaty if the sentence granting grandfather rights to existing businesses were deleted.[24] Eventually, the Japanese negotiators accepted the language in Article VII.2 without any change after the U.S. agreed to the language appearing in the second sentence of Paragraph 4 of the Protocol. The U.S. State Department agreed to the Protocol language only on the understanding that it in no way undermined the prohibition against application of discriminatory laws to existing enterprises in the second sentence of Article VII.2.[25]

''As adopted, the second sentence of Article VII.2 follows the standard treaty text developed by the State Department and used as the basis for more than a dozen FCN treaties. The Sullivan Study notes the breadth of the protection this sentence affords existing companies otherwise subject to VII.2. The Sullivan Study indicates that an enterprise protected by the Article VII.2 grandfather provision is not only protected as to existing property interests or contract rights, but ''is able to enjoy what may be considered normal business growth in terms of acquiring new customers and increasing the dollar volume of its business, but it cannot claim expanded privileges. * * *''[26]

''In short, the protections afforded existing investments and existing businesses by the second sentence of Article VII.2 were seen by the U.S. as a key part of the U.S.-Japan FCN and similar FCN treaties, providing substantial protections to foreign investors and businesses. The provision affords WAF and Maruha the right to continue to hold their direct and indirect investments in the Partnership and the Vessel and, more generally, to continue to transact business with the Partnership on the same basis as permitted prior to passage of the AFA. Similarly, the Article VII.2 grandfather provision guarantees the Partnership the right to own and operate the Vessel in the U.S. fisheries on equal terms with wholly domestic enterprises.

''Maruha is clearly entitled to protection as a Japanese enterprise which, at the time the AFA was adopted, was ''engaged in * * * activities'' within the United States which the AFA, but for Section 213(g), would prohibit, limit or restrict. WAF, Alyeska and the Partnership likewise come within the protection of the Article VII.2 grandfather provision by reason of the direct and indirect ownership interests in them held by Maruha and, in the case of Alyeska, by Marubeni. Thus, the Article VII.2 grandfather provision protects the rights of Maruha, WAF, Marubeni and Alyeska to invest in or transact business with the Partnership and protects the Partnership's right to continue to own and operate the Vessels in the U.S. fisheries.

''As noted above, the Article VII.2 grandfather provision not only protects pre-existing rights and interests acquired, directly or indirectly, by Japanese nationals prior to a discriminatory change in the law, but protects pre-existing enterprises from such changes. Accordingly, the Article VII.2 grandfather provision, together with Section 213(g) of the AFA, exempts the Petitioners from the restrictions of Sections 202, 203 and 204 of the AFA and 46 CFR Part 356, not only (a) with respect to their existing direct and indirect ownership interests in the Partnership and/or the Vessel, but also (b) with respect to existing loan, financing and other contractual arrangements related to the Vessel and (c) with respect to future dealings between or among the Petitioners related to the Vessel and deemed necessary or appropriate to protect or further the existing interests of the Petitioners in the Vessel.

''2. *The AFA's Restrictions on Foreign Financing of Fishing Vessels Violate Article VII.*

''(a) *The AFA's Restrictions on Foreign Financing of Fishing Vessels Impair Petitioners' Rights and Interests With Respect to Vessel Financing.*

''The AFA and MARAD's implementing regulations impair the existing loan, working capital financing and other contractual arrangements described above between Alyeska, WAF, Wards Cove and the Partnership by requiring that all such arrangements be reviewed and approved by MARAD prior to October 1, 2001, under the new standards imposed by the AFA and MARAD's implementing rules. Failure to obtain MARAD approval will result in disqualification of the Partnership to own and operate the Vessel in the U.S. fisheries. Application to Petitioners of the AFA's new restrictions on foreign financing and ''control'' of fishing vessels impairs Petitioners'' rights in violation of Article VII.1.

''The AFA and MARAD's implementing rules require that the terms of all loans provided by a Non-Citizen to a fishing vessel owner must be approved by MARAD under the AFA's new ''control'' standards.[27] The AFA contains a new definition of impermissible Non-Citizen ''control''[28] and requires transfers of ''control'' of fishing vessels to be ''rigorously scrutinized'' by MARAD under this new standard.[29] MARAD has implemented the AFA's new ''control'' standard by adopting a host of new restrictions and limitations on financing, contract and other business arrangements between fishing vessel owners and Non-

[21] Charles H. Sullivan, ''State Department Standard Draft Treaty of Friendship, Commerce and Navigation'' (undated) (hereinafter ''Sullivan Study'') at 149 (emphasis added).

[22] *Id.* at 148.

[23] Annex, Attachment Department of State Incoming Telegran dated March 20, 1953, p. 1.

[24] Annex, Attachment 3, Memorandum from Franik A. Waring, Counselor of U.S. Embassy for Economic Affairs (undated excerpt).

[25] Annex, Attachment 2, Department of State Incoming Telegram dated March 20, 1953, p. 1, and Attachment 4, Office Memorandum dated March 23, 1953, pp. 1–2.

[26] Sullivan Study at 150.

[27] *See* AFA Section 202(a), adding 46 U.S.C. § 12102(c)(4)(A); *see also,* 46 CFR §§ 356.15(d) and 356.21(d).

[28] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

[29] AFA Section 203(c)(2).

Citizens.[30] Unless MARAD reviews and approves the terms of the loan documents and contracts previously executed by the Partnership and its partners in favor of Alyeska prior to October 1, 2001 under these new standards, the Vessel will lose its fishery endorsement and the Partnership will no longer be permitted to own or operate the Vessel in the U.S. fisheries.[31] This, in turn, will destroy the value of the Vessel and destroy the ability of the Partnership to generate income to repay the loans. By imposing new conditions and restrictions on the terms of existing loan documents and contracts, including a new requirement of administrative review and approval of those documents and contracts under AFA's new ''control'' standards, the AFA and MARAD's implementing regulations will impair the contract rights of Petitioners under existing loan documents and contracts.

''MARAD has taken the position that loans by a Non-Citizen minority investor to the U.S. Citizen general partner of a vessel-owning limited partnership are likely to involve an impermissible degree of Non-Citizen control.[32] Presumably, MARAD would take the same position with respect to a loan provided by a parent company or other affiliate of the minority investor, such as Maruha or Alyeska, to fund a portion of the equity contribution of a U.S. Citizen general partner, such as Wards Cove or Dall Head, Inc. Thus, the MARAD is unlikely to approve Alyeska's existing loans to the Vessel Owner and its partners under MARAD's interpretation of the AFA.[33]

''Further, the AFA's restrictions on future financing transactions between Alyeska or other Non-Citizen Petitioners and the Partnership or its U.S. Citizen partners will substantially impair the rights and interests of the Non-Citizen Petitioners in violation of Article VII.1. Existing law permits a Non-Citizen to make loans to the owner of a fishing vessel, secured by a preferred mortgage on the vessel.[34] MARAD has interpreted the AFA's requirements to prohibit Non-Citizen fish processors, such as Alyeska, from holding mortgages or other security interests in fishing vessels.[35] Thus, in the case of Alyeska, the AFA's requirements will prevent Alyeska from making future secured loans to the Partnership, if that should become necessary or desirable to preserve the Partnership's ability to provide fish to Alyeska or to allow the Partnership to make repairs or improvements to the Vessel.

''The AFA's restrictions on foreign financing of fishing vessels will limit and restrict the ability of Maruha and WAF, directly or through Alyeska, to protect their existing investment in the Vessel Owner by offering future financing for major vessel repairs or improvements which may become necessary to permit the Vessel Owner to operate profitably—or at all. Since financing from a financial institution may be unavailable to the Vessel Owner, the ability of Alyeska, WAF and/or Maruha to make loans to support the Vessel's continuing operations may be the only means available to protect the Vessel Owner from insolvency. Thus, the AFA's restrictions on the ability of the Non-Citizen Petitioners to make loans to the Vessel Owner without MARAD approval or to take security in the Vessel jeopardize the existing financial and business interests of Alyeska, WAF and Maruha in the Vessel Owner and the Vessel.

''Finally, the new restrictions imposed by the AFA and MARAD's regulations on the ability of Alyeska to make loans to the Vessel Owner will disrupt Alyeska's ability to ensure a reliable supply of fish to its processing facility. Alyeska's ability to provide financing for operations and for the repair or improvement of the Vessel is a necessary means to ensure a stable supply of fish to its processing plant. A processor's agreement to provide financing to qualified U.S. vessel owners in return for the vessel owner's agreement to sell the vessel's catch exclusively to the processor is a customary means by which vessel owners finance their working capital needs and the acquisition, repair or improvement of their vessels and by which processors secure a reliable supply of fish to their plants. Such financing arrangements between vessel owners and processors, both wholly domestic and Non-Citizen processors, are common and traditional in the Alaska fishing industry. Further, the continued ability of the Vessel Owner to supply fish to Alyeska may depend on the ongoing availability of financing from Alyeska for operating funds, emergency repairs or improvements for which bank financing is not available or not available on a timely basis. Non-Citizen processors, such as Alyeska, which have invested many millions of dollars in shore-based processing plants in remote locations in Alaska, must have the ability, like their wholly domestic competitors, to secure and protect the supply of fish to their plants by financing the repair, improvement or operation of fishing vessels in return for continuing fish deliveries. Just as the Petitioners' existing ownership and loan arrangements with respect to the Vessel are protected by the Treaty, the Treaty protects the ongoing ability of the Non-Citizen Petitioners to modify and restructure existing loans and security arrangements with the Vessel Owner and Wards Cove or Dall Head and to make new loans to and enter into ancillary contractual arrangements with the Vessel Owner and its general partner to protect or further their existing business interests in the Vessel.

''(b) *The Restrictions on Foreign Financing of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

''The new restrictions on foreign financing of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) subjecting the terms of existing and future loans provided to the Partnership by Alyeska, WAF or Maruha to a new requirement of administrative review and approval by MARAD under the new foreign ''control'' restrictions of the AFA and MARAD's implementing rules;[36]

[30] *See, generally,* 46 CFR 356.11, 356.13–15, 356.21–25, 356.39–45.

[31] *See* 46 CFR 356.15(d), 356.21(d).

[32] Personal communication with MARAD Office of General Counsel, January 9, 2001 (to the effect that, as a general rule, MARAD does not allow a non-citizen to provide the start up capital to the U.S. Citizen general partner of a vessel-owning limited partnership). *See also,* 46 CFR 356.11(b)(6) (provision of start up capital by Non-Citizen may imply impermissible Non-Citizen control); 356.21 (approval of standard loan documents limited to the loan documents of financial institutions); 356.23 (approval of standard loan convents limited to loans from an ''unrelated Non-Citizen Lender'') and 356.45(b) (approval of unsecured loans to vessal owners from Non-Citizens limited to loans from Non-Citizens ''not affiliated with any party with whom the owner * * * have entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract'').

[33] While the amount of the line of credit provided to the Vessel Owner under the Commercial Revolving Line of Credit Loan and Security Agreement is less than the annual value of the fish sold to Alyeska by the Vessel Owner, the sum of the outstanding balance on Alyeska's loan to Wards Cove and the line of credit exceeds that amount. Thus, these loans, in combination, would not be permitted under 46 CFR 356.45(a).

[34] *Compare* 46 U.S.C. 31322(a), as now in effect, *with* 46 U.S.C. 31322(a), as amended by AFA Section 202(b).

[35] 65 Fed. Reg. at 44871 c.2 (July 19, 2000) (''[A]dvancements of funds from Non-Citizen processors will not be permitted where the security for the loan is a security interest in the vessel'')

[36] The requirement of MARAD review and approval clearly impairs the Petitioners' existing financing arrangements. Since MARAD has made clear that it generally will not approve loans by a Non-Citizen minority investor to fund equity contributions by a U.S. Citizen generally partner, Alyeska's loans to Wards Cove here will almost certainly result in revocation of the Vessel's fishery

Continued

and (2) prohibiting Alyeska, WAF or Maruha from making loans to the Vessel Owner or taking preferred mortgages or other security interests in the Vessel as security for existing or future loans.

''Article VII.1 extends full national treatment protection ''with respect to engaging in all types of commercial, industrial, financial and other business activities.'' The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1.

''At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[37] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting ''financial'' from the activities provided national treatment in the first sentence of the provision.

''A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a ''difficulty going to heart of treaty.''[38] The State Department opposed any change that would delete the word *financial* from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word ''lending'' to the exception provided in the first sentence of Article VII.2, so the phrase would have read ''banking involving depository, lending or fiduciary functions.'' In response, the State Department reiterated its opposition to any change that would deny foreign lenders the right to full national treatment under Article VII.1.

''A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[39] The cable states: ''Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money.''[40] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[41]

''The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that ''this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1).''[42] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking.

''It is clear, therefore, that the reference in the first sentence of Article VII.2 to ''banking involving depository or fiduciary functions'' does not include the lending activities of Alyeska, its shareholders or affiliates. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[43]

''The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by mortgages on U.S. vessels or to make such loans without prior MARAD approval of the loan terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such loan activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for such lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to ''all types of * * * financial * * * activities.'' Under Article VII.1, neither State Party may restrict loans by foreign-owned entities, whether secured by vessels of their national flag or otherwise.

''The AFA and MARAD's implementing rules impose new restrictions on the ability of Alyeska, Maruha and WAF, going forward, to protect their existing financial interests in the Partnership and the Vessel by, *e.g.,* re-financing existing loans, advancing new loans for repair or improvement of the Vessel or entering into other financing or contractual arrangements with the Vessel Owner. These restrictions are inconsistent with Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing arrangements that are now outstanding under the terms of existing financing documents and to future financing activities by Alyeska, Maruha or WAF involving the Vessel or the Vessel Owner.

Application of the AFA's new ''control'' standards to restrict the ability of Alyeska, its shareholders or affiliates to do business with the fishing vessel owners that supply fish to Alyeska's processing plant, as they have done in the past and on the same terms as Alyeska's U.S. Citizen competitors, would deny national treatment to Alyeska and its Japanese investors. The State Department has recognized that the exception to the requirement of national treatment that may apply with respect to the ownership of fishing vessels under the first sentence of Article VII.2 does not apply to fish processors.[44] Article VII.1 applies, and

endorsement unless those loans are exempted from the AFA's requirements. *See* AFA Section 203(e).

[37] Annex, Attachment 5, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[38] Annex, Attachment 6, Dept. of State Outgrown Telegram dated March 10, 1952, p. 1. *See also* Annex, Attachment 5 at p. 3, noting that the ''* * *'' first paragraph of Article VII can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment.''

[39] Annex, Attachment 7, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[40] *Id.*

[41] Annex, Attachment 8, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

[42] Sullivan Study at 144.

[43] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing of fishing vessels, the grandfather provision of Article VII.2 would clearly protect Alyeska, as the holder of existing debt obligations of the Partnership or its partners. Since Maruha, Marubeni and Western Alaska Fisheries clearly ''acquired interests'' in Alyeska and the Partnership prior to enhancement of the AFA, those enterprises would be protected from discrimination in the ongoing conduct of their businesses.

[44] Annex, Attachment 9, Letter to the Chairman of the House of Representative Committee on Merchant Marine and Fisheries from Robert Lee,

it extends the protection of full and unconditional national treatment to fish processors with Japanese ownership, such as Alyeska. The discriminatory restrictions imposed under the AFA on the ability of Alyeska, to enter into future financing and other contractual arrangements with the Vessel Owners clearly violate Article VII.1.

''For these reasons, Petitioners seek a determination by MARAD that Sections 202 and 203 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) existing loans, loan documents and security agreements previously executed by the Vessel Owner in favor of Alyeska, including the vessel acquisition loans, the revolving line of credit and the Fishing Commitment Agreement; or (b) future financing, marketing or other contractual arrangements between the Non-Citizen Petitioners and the Vessel Owner with respect to the Vessel, including loans for repair, improvement or replacement of the Vessel, working capital financing and exclusive marketing agreements.

3. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a ''Taking'' in Violation of Article VI.3.*

''The first sentence of Article VI.3 of the Treaty states that ''[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation.'' This ''takings'' provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit WAF from holding its pre-existing ownership interest in the Vessel Owner or to subject Alyeska's contractual rights under the terms of existing loans to the Vessel Owner and its partners to a new condition of MARAD review and approval—particularly, since MARAD has made clear that it will not approve such loans—would deprive WAF and Alyeska of their property in violation of Article VI.3. Similarly, applying the AFA's new restrictions to prohibit the Vessel Owner from owning and operating the Vessel in the U.S. fisheries would deprive the Vessel Owner and its Japanese investors of their property interests in the Vessel and its fishery endorsement in violation of Article VI.3.

''The term ''property'' in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that ''[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly *or indirectly* by nationals and companies of either Party in property which is taken within the territories of the other Party.'' [45] As the United States delegates made clear during the negotiation of the Treaty, the phrase ''interests held directly or indirectly''

> is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[46]

In short, ''all property interests are contemplated by the provision.'' [47] This necessarily includes the direct and indirect ownership interests which Maruha and WAF have in the Vessel Owner and in the Vessel, as well as the rights of Alyeska, an affiliate of Maruha and WAF, under promissory notes, a loan agreement and a marketing agreement executed by the Vessel Owner.

''The concept of a taking in this context is broad and ''is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations and other impairments of interests in or uses of property.'' [48] Here, the AFA's new restrictions on foreign investment and foreign financing will deprive the Vessel Owner of its fishery endorsement and prohibit the Vessel Owner from using its Vessel in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessel by prohibiting its only productive use or force divestiture of those interests. The impairment of the Vessel Owner's property interest in its fishery endorsement and the Vessel Owner's presently existing right to use its Vessel in the U.S. fisheries; the impairment of WAF's existing ownership interest in the Vessel Owner; and the impairment of Alyeska's right to hold the debt obligations of the partners of the Vessel Owner, free from discriminatory conditions subsequently attached by law, are each a sufficient impairment of Petitioner's rights and interests as to constitute a violation of Article VI.3.

''Further, a taking is permitted under the Treaty only for a ''public purpose,'' and it is clear that application of the AFA's ownership restrictions to the Vessel Owner so as to force a divestiture by WAF or the Vessel Owner to a private party which qualifies as a U.S. Citizen under the AFA would not satisfy the ''public purpose'' requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a ''public purpose,'' the AFA makes no provision for the ''prompt payment of just compensation,'' as required by Article VI.3. The fact that the AFA and 46 CFR Part 356 fail to provide any compensation scheme—let alone ''adequate provision * * * at or prior to the time of taking for the determination and payment thereof''—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

''4. *The AFA and MARAD's Implementing Rules Impair Petitioners' Legally Acquired Rights and Interests in Violation of Article V.*

''The new restrictions imposed by the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are ''unreasonable or discriminatory measures'' that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

''Article V provides that ''[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established * * * '' The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision ''offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty.'' [49] Herman Walker observed that this language is designed ''to account for the possibility of injurious governmental harassments short of expropriation or

August 17, 1964, as published in the Jones Study, p. 80.

[45] Protocol, ¶ 2 (emphasis added).

[46] Annex, Attachment 10, Memorandum of Conversation dated April 15, 1952 at p. 3.

[47] *Id.*

[48] Sullivan Study at 116 (emphasis added).

[49] Sullivan Study at 115.

sequestration.''[50] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language ''affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests.''[51] The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial ''of opportunities and facilities for the investment of capital.'' The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[52]

''Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a ''taking.'' Article V prohibits deprivations of both most-favored nation treatment and national treatment.[53] Thus, it would apply to the discriminatory prohibitions and restrictions which the AFA and MARAD's implementing regulations impose on the Non-Citizen Petitioners' existing ownership interests and other contract rights and on the Non-Citizen Petitioners' ongoing ability to protect those rights and interests by entering into future financing and other transactions with the Vessel Owner.

''The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on transactions between Non-Citizens processors, such as Alyeska, and U.S. fishing vessel owners place Non-Citizen processors at a significant competitive disadvantage. U.S. Citizen processors and other lenders are free to make loans and to enter into contracts with fishing vessel owners without restriction. U.S. Citizen processors remain free to secure a reliable supply of fish by making loans, unrestricted in amount, for fishing vessel acquisitions, conversions and improvements in return for exclusive marketing relationships while Non-Citizen processors are prohibited from making similar arrangements. MARAD has stated that Non-Citizen processors will be flatly prohibited from taking security in fishing vessels to secure loans to vessel owners.

''Under 46 CFR 356.45(a), a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if the amount of the loan exceeds the annual value of the vessel's catch. Under § 356.45(b), a Non-Citizen lender is not permitted to make an unsecured loan, if the lender is ''affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract. * * * .'' On their face, these provisions severely restrict permissible future loans by Alyeska, WAF or Maruha to the Vessel Owner. Thus, loans by Alyeska, WAF or Maruha to the Vessel Owner, which may be necessary to protect their existing interests, are severely restricted under MARAD's interpretation of the AFA.

''Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory burden, particularly in the absence of coherent published standards.[54] The AFA and MARAD's rules thus impose ''unreasonable or discriminatory measures'' on Non-Citizen fish processors and other lenders with Japanese ownership, such as Alyeska, WAF and Maruha, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

''5. *Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.*

''Article XIX.6 provides that notwithstanding any other provision of the Treaty, ''each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries. * * *'' This provision does not authorize the discriminatory limitations on Japanese investment, financing and related contractual arrangements contained in the AFA and MARAD's implementing rules.

''Even if Article XIX.6 is interpreted as applying to fishing vessels,[55] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to ''its own vessels,'' the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to ''U.S. flag vessels.''[56] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

''The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to ''nationals, companies and vessels of the other Party any special privileges reserved to national fisheries.''[57] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[58] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged.

[50] Herman Walker, Jr., ''Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice,'' 5 Am. J. Comp. Law 229 at 236 (1956).

[51] Annex, Attachment 11, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[52] *Id. See also* Annex, Attachment 12, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, pp. 2–3. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language ''could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises.

[53] Sullivan Study at 115.

[54] By requiring review and approval of all financing transactions with Non-Citizens, MARAD in effect prohibits all transactions it has not expressly permitted. The ''safe harbors'' specified in the regulations are narrow indeed. For most transactions, then, Non-Citizens and vessel owners will be subjected to ad hoc decision making by MARAD on the basis of vague and indeterminate standards.

[55] Article XIX.7 defines ''vessel'' to exclude ''fishing vessels'' for purposes of Article XIX.6.

[56] Annex, Attachment 9, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 44.

[57] Annex, Attachment 13, Memorandum of Conversation held April 3, 1952, at 5.

[58] *See* Annex, Attachment 14, U.S. Dept. of State, Outgoing Airgram to U.S. Embassy in Tokyo (June 12, 1952) at 1–2 (noting that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that ''[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries'').

The issue of Japanese investment in and other dealings with enterprises owning or operating U.S. flag fishing vessels was left to Article VII.

''Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[59]

''This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that ''[t]he crucial element in Article XIX is that it relates to the treatment of vessels and to the treatment of their cargoes. It is not concerned with the treatment of the enterprises which own the vessels and the cargoes.'' [60] Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel owners and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3 or VII, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owner and the Vessel.

''6. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

''The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of ''national treatment'' applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

''For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[61] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 C.F.R. Part 356.

''7. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

''The United States has agreed in Article XXIV of the Treaty to give ''sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty.'' The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's ''new U.S. citizen ownership and control requirements'' ''if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of America.'' [62] The Minister for Economic Affairs noted Section 213(g) of the AFA and stated the position of the Government of Japan as follows:

> As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as ''the Treaty.'' Paragraph two of Article VII of the Treaty states that '' * * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.'' The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c) [63] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.
>
> Moreover, paragraph one of Article V of the Treaty states that ''Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—.'' This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.
>
> Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c) * * * [64]

In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the ''concern'' of the Government of Japan about regulations proposed by MARAD to implement the AFA.[65] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is ''inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America'' and therefore ''in accordance with the provision of Section 213(g) of the Act'' ''will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations.'' With respect to

[59] Annex, Attachment 9, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 44. *See also.* Jones Study at 80–81.

[60] Sullivan Study a 284 (emphasis added).

[61] *See, generally,* Jones Study.

[62] Annex, Attachment 15, August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.

[63] There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. § 12102(c).

[64] Annex, Attachment 15, August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1–2.

[65] Annex, Attachment 16 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't. of State at 1.

MARAD's proposed regulations, the Embassy of Japan noted that the regulations ''would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities even before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty.'' [66] The Embassy of Japan noted further:

> The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so.[67]

The Government of Japan requested ''that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA.'' [68]

''Thus, the Government of Japan has strongly expressed the view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give ''sympathetic consideration'' to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA (and the implementing provisions of Section 203 and 46 CFR Part 356) with respect to the Vessels.

''B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's New Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign ''Control'' of U.S. Fishing Vessels.

''Sections 202, 203 and 204 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 CFR Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing ownership and contract rights and interests in violation of the U.S.-Japan FCN. Application of the new restrictions to bar Petitioners Alyeska, WAF or Maruha from entering into future transactions with the Vessel Owner, particularly financing and ancillary contractual arrangements, such as exclusive marketing agreements, would also violate the U.S.-Japan FCN by substantially impairing the ability of these Non-Citizen Petitioners to protect their existing rights and interests and to carry on their established businesses in the United States in conformity with past practice and on an equal footing with U.S. Citizens.

''To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

> In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every ''owner'' or ''mortgagee'' holding an ownership or mortgage interest on October 1, 2001, when Sections 202, 203 and 204 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to ''subsequent owners and mortgagees'' who acquire their interests *after* October 1, 2001 or ''to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date.*'' (Emphasis added).

Petitioners WAF, Maruha, Wards Cove and the Vessel Owner are ''owners'' who acquired their interests in the Vessel prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001.[69] Petitioners WAF, Maruha, Wards Cove and the Vessel Owner have an interest in ensuring that their investments in the Vessel are protected. Such Petitioners also have an interest in ensuring that their interests as ''owners'' of the Vessel are not adversely affected by the Alyeska loans. Further, Maruha's common ownership interests in both Alyeska and WAF allow Maruha and WAF to assert the interests of Alyeska in the context of this Petition. In short, Maruha's common ownership interests in Alyeska and WAF are sufficient to bring Alyeska within the protection afforded by Section 213(g) to WAF and Maruha as ''owners'' of the Vessel. Alyeska's loans and the ownership interest acquired by WAF in the Partnership are clearly elements of a financing plan implemented by Maruha and Wards Cove to support acquisition and operation of the Vessel. As such, the Section 213(g) exemption applicable to the ''owners'' of the Vessel extends to Alyeska and Alyeska's loans. In any event, the interests of the ''owners'' in protecting their interests in the Vessel and its fishery endorsement permits them to assert the Treaty's protection for the Alyeska loans.

''The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[70] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes ''ought never to be construed to violate the law of nations if any other possible construction remains.''[71] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with U.S. treaty obligations.[72] Here, it is apparent from the express terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN. The inconsistency between Sections 202, 203 and 204 of

[66] *Id.*

[67] *Id.* at 2.

[68] Id.

[69] *See* 65 Fed. Reg. at 44874c.1 (''[T]he commenters stated that the rule should make clear that anyone that has an ownership interest may utilize the petition process, e.g., a minority shareholder with a direct or indirect interest. We agree that a minority shareholder should be allowed to petition for an exemption'').

[70] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.,* 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[71] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras,* 370 U.S. 10, 21 (1963).

[72] *Id. See also, Sumitomo Shoji America, Inc.* v. *Avagliano,* et al., 457 U.S. 176 (1982).

the AFA and the requirements of the U.S.-Japan FCN is demonstrated above. Accordingly, under Section 213(g) of the Act, Congress has directed that the provisions of Sections 202 and 203 ''shall not apply'' to Petitioners ''to the extent of * * * such inconsistency.''

''The exemption provided by Section 213(g) is not limited to property rights, contract rights, debt interests or investment interests in existence on October 1, 2001, but rather applies to exempt an ''owner'' from the requirements of the AFA ''to the extent of the inconsistency'' between the Act and the Treaty. Petitioners qualify as ''owners.'' Petitioners are, therefore, exempt from the requirements of the AFA ''to the extent of the inconsistency'' between the AFA and the Treaty. As demonstrated above, the ''inconsistency'' between the AFA and the Treaty is three-fold: (1) The Treaty protects Petitioners' existing ownership interests in the Vessel, which the AFA would impair, prohibit or restrict; (2) the Treaty protects Petitioners' existing financing arrangements related to the Vessel, including the Alyeska loans to WAF and Wards Cove and Alyeska's Commercial Revolving Credit Line Loan and Security Agreement with the Vessel Owner and ancillary contract rights under the Fishing Commitment Agreement between Alyeska and the Vessel Owner, which the AFA would impair, prohibit or restrict; and (3) the Treaty protects future transactions between or among the Petitioners with respect to the Vessel, which the AFA would prohibit or restrict, including future loans, preferred mortgages and other financing and ancillary contractual arrangements, such as exclusive marketing agreements, which Petitioners may deem necessary or appropriate to protect their existing businesses and their existing financial interests in the Vessel and the Vessel Owner. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202, 203 and 204 of the AFA and MARAD's implementing rules with respect to the Vessel.

''The inconsistency between the provisions of the AFA and MARAD's implementing regulations and the requirements of the U.S.-Japan FCN is demonstrated above. Accordingly, under Section 213(g) of the Act, the provisions of Section 202, 203 and 204 ''shall not apply'' to Petitioners with respect to the Vessel.''

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By Order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4469 Filed 2–23–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8930]

MORNING STAR—Applicability of Preferred Mortgage, Ownership and Control Requirements To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (MARAD, we, our, or us) is soliciting public comments on a petition from the owners and mortgagees of the vessel MORNING STAR—Official No. 610393 (hereinafter the ''Vessel''). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 (''AFA''), Division C, Title II, Subtitle I, Public Law 105–277, and our regulations at 46 CFR Part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) (''U.S.-Japan FCN'' or ''Treaty''). The petition is submitted pursuant to 46 CFR 356.53 and section 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than March 26, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., SW., Washington, D.C. 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard

(greater than 50%) of section 2(b) of Shipping Act, 1916 (''1916 Act''), as amended, 46 App. U.S.C. 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather ''savings provision'' in the Anti-Reflagging Act of 1987, Public Law 100–239, section 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of section 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of section 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Mortgage Trustee that meets the 75% ownership and control requirements to hold the preferred mortgage for the benefit of the non-citizen lender.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgagee provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and, absent extenuating circumstances, render a decision within 120 days of the receipt of a fully completed petition.

The Petitioners

Alyeska Seafoods, Inc. (''Alyeska''), Wards Cove Packing Company (''Wards Cove''), Maruha Corporation (''Maruha'') and Western Alaska Fisheries, Inc. (''WAF''), are the owners of direct or indirect interests in Morning Star, L.P. (the ''Vessel Owner'') and indirect interests in the Vessel. Alyeska is the mortgagee under a preferred mortgage on the Vessel. (Alyeska, Maruha, Wards Cove and WAF are referred to hereinafter as a ''Petitioner'' and, collectively, as the ''Petitioners.'')

Ownership and Mortgage Structure of the Vessel

The ownership and mortgage structure for the Vessel is as follows:

A. Ownership Structure

Morning Star, L.P., a Washington limited partnership (the ''Vessel Owner''), is the owner of the Vessel. The Vessel Owner was formed in 1997 for the purpose of allowing Alyeska to acquire an interest in the Vessel. The sole general partner of Morning Star, L.P. is Morning Star Management, LLC, a Washington limited liability company which is owned entirely by individual U.S. Citizens and which owns 75% of the interest in Morning Star, L.P. Alyeska is the limited partner of Morning Star, L.P. and owns the remaining 25% interest in the limited partnership.

Alyeska is an Alaska corporation, formed in 1985 to acquire, construct and operate a large seafood processing facility at Dutch Harbor, Alaska. All of the capital stock of Alyeska is owned by Wards Cove, Maruha, WAF and Marubeni. Maruha and Marubeni are publicly traded Japanese corporations. WAF is a wholly-owned U.S. subsidiary of Maruha. Maruha, WAF and Marubeni collectively own more than 25% of the capital stock of Alyeska. Accordingly, Alyeska does not qualify as a U.S. Citizen under the standards of the AFA and MARAD's implementing rules and is therefore a ''Non-Citizen,'' as defined in 46 CFR 356.3(o).

B. Mortgage Structure

Alyeska provided a loan to the Vessel Owner that is secured by a preferred mortgage on the Vessel. This loan remains outstanding and continues to be secured by this preferred mortgage.

C. Exclusive Marketing Agreement

Alyeska agreed to invest in the Vessel Owner and to provide a loan to that entity in order to ensure a stable supply of fish to Alyeska's Dutch Harbor facility and in reliance on the assured revenue stream which sales to Alyeska would generate for the Vessel Owner. The Limited Partnership Agreement of Morning Star, L.P. provides that the Vessel will sell its products primarily to Alyeska Seafoods, Inc. and that Alyeska will pay competitive prices for all such products. The only exceptions to the Partnership's obligation to deliver to Alyeska are where Alyeska lacks capacity to process a delivery and where Alyeska and Morning Star Management agree that the Vessel may sell into other markets.

Requested Action

The Petitioners seek a determination from MARAD under section 213(g) of the Act and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR Part 356 on the ground that the requirements of the AFA and 46 CFR Part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR Part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners with respect to:

(1) The existing ownership interests in the Vessels held, directly or indirectly, by the Vessel Owner;

(2) the existing exclusive marketing agreement and other contract rights and interests ancillary to Alyeska's ownership interest in and financing arrangements with the Vessel Owner; and

(3) future loans, financing and other contract arrangements between the Petitioners and the Vessel Owner with respect to the Vessel the existing preferred mortgage interests in the Vessel held by Alyeska.

Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in conflict. The entire text of the FCN Treaty is available on MARAD's internet site at *http://www.marad.dot.gov.* The description submitted by the Petitioner of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations forms the basis on which the Petitioners request that the Chief Counsel issue a ruling that 46 CFR Part 356 does not apply to

Petitioners with respect to the Vessels. Petitioner's description of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR Part 356 is as follows:

''A. The AFA's Limitations and Restrictions on Foreign Involvement in the U.S. Fishing Industry Are Inconsistent With U.S. Obligations Under the U.S.-Japan FCN.

''1. *The AFA's Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Violate Article VII.*

''a. *The AFA's Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Impair Petitioners' Rights and Interests With Respect to Existing Financing and Other Contractual Arraignments.*

''The AFA will nullify the preferred mortgage interest in the Vessel currently held by Alyeska, impair Alyeska's rights and interests under existing financing documents, impair Alyeska's rights and interests under the exclusive marketing provision of the limited partnership agreement governing the Vessel Owner and prevent Alyeska and its Japanese shareholders from protecting their established businesses and interests by entering into future financing and contractual arrangements with the Vessel Owner.

''Current law permits wholly or partly Japanese-owned entities, including Alyeska, Maruha and WAF, to finance U.S. fishing vessels and to hold preferred mortgage interests in U.S. fishing vessels to secure their loans. [7] A ''preferred mortgage'' is a creature of federal statute and gives the mortgagee a lien on the mortgaged vessel, enforceable in U.S. District Court under a priority scheme that protects the mortgagee from most maritime liens.[8] 46 U.S.C. 31326(b)(1) gives the preferred mortgage lien priority over all liens arising after filing of the mortgage except a limited number of ''preferred maritime liens'' listed at 46 U.S.C. 31301(5) and provides that a sale of the vessel by order of the District Court terminates all liens or other claims against the vessel, thus ensuring the purchaser clear title and allowing the mortgagee to realize maximum value for its security. Since liens arise in favor of suppliers, materialmen, repairmen and others in the course of the ordinary operations of the vessel, protection against such liens is essential to the mortgagee's security, as is the ability to terminate those liens on foreclosure and to sell the vessel ''free and clear'' of liens. Absent preferred mortgage status, a mortgage provides little or no security for the lender. Thus, the preferred mortgage which Alyeska holds in the Vessel is a valuable property interest in the Vessel.

''The AFA will prohibit Alyeska from continuing to hold its existing preferred mortgage on the Vessel. Section 202(b) of the AFA amends 46 U.S.C. 31322(a) to disqualify Non-Citizens, such as Alyeska, from holding preferred mortgages on fishing vessels over 100 feet in registered length.

''Further, The AFA contains a new definition of impermissible Non-Citizen ''control'' [9] and requires transfers of ''control'' of fishing vessels to be ''rigorously scrutinized'' by MARAD under this new standard.[10] MARAD has implemented the AFA's new ''control'' standard by adopting a host of new restrictions and limitations on contractual and other business arrangements between fishing vessel owners and Non-Citizens, including loans and exclusive marketing agreements.[11] Unless MARAD reviews and approves the terms of the preferred mortgage and other financing documents previously executed by the Vessel Owner in favor of Alyeska prior to October 1, 2001 under these new standards, the Vessel will lose its fishery endorsement and the Vessel Owner will no longer be permitted to own or operate the Vessel in the U.S. fisheries.[12] This, in turn, will destroy the value of the Vessels as security under the mortgage held by Alyeska and destroy the ability of the Vessel Owner to repay the debt which the mortgage secures. By prohibiting Alyeska from continuing to hold its existing preferred mortgage on the Vessel and imposing new conditions and restrictions on the terms of Alyeska's existing financing documents, including a new requirement of administrative review and approval of those financing documents under the AFA's new ''control'' standards, the AFA and MARAD's implementing regulations impair the contract rights and mortgage interests of Alyeska.

''In addition, however, MARAD has made clear that there is no way that Alyeska can preserve its mortgage interest under the AFA. MARAD has interpreted the AFA's requirements to prohibit Non-Citizen fish processors, such as Alyeska, from holding mortgages or other security interests in fishing vessels, even if the mortgage is held by a qualified Mortgage Trustee and the loan and mortgage terms are otherwise acceptable to MARAD.[13] Thus, the AFA's requirements will nullify Alyeska's existing preferred mortgage interest in the Vessel. If Alyeska's mortgage is not released, the Vessel will lose its fishery endorsement, destroying the value of the Vessel as collateral for Alyeska's loan and destroying the Vessel Owner's ability to pay its debts.[14]

''Alyeska's rights and interests under the exclusive marketing provision of the limited partnership agreement governing the Vessel Owner are also impaired by the AFA. Because of the injunction of Section 202(c)(2) of the AFA to ''rigorously scrutinize'' exclusive marketing agreements with Non-Citizens, 46 CFR 356.43(c) requires a fishing vessel owner to obtain prior MARAD approval before entering into such an agreement ''if the agreement * * * contains provisions that in any way convey to the [Non-Citizen] purchaser * * * control over the operation, management or harvesting activities of the vessel, [or] vessel owner * * * other than as provided for in paragraph (b)'' of that section. Since the Agreement of Limited Partnership of Morning Star, L.P. contains a variety of provisions related to the rights and obligations of Alyeska and Morning Star Management, LLC with respect to the management of the partnership, none of which are referenced in Section 356.43(b), it could be argued that the agreement ''contains provisions that in [some] way convey to [Alyeska] control over * * * the vessel owner.'' Accordingly, the AFA and Section 356.43(c) render the permissibility of the exclusive marketing provision of the limited partnership agreement and, accordingly, the Vessel Owner's continued eligibility for a fishery endorsement, uncertain.

''Further, even if Alyeska's existing mortgage interest and contract rights were found to be exempt from the requirements of the AFA and MARAD's implementing rules, the AFA's restrictions on future financing

[7] *Compare* 46 U.S.C. 31322(a), as now in effect, with 46 U.S.C. § 31322(a)(4), as amended by Section 202(b) of the AFA.

[8] *See, generally,* 46 U.S.C. Chapter 313.

[9] AFA Section 202(a), codified at 46 U.S.C. 12102(c)(2).

[10] AFA Section 203(c)(2).

[11] *See, generally,* 46 CFR 356.11, 356.13–15, 356.21–25, 356.39–45.

[12] *See* 46 CFR 356.15(d), 356.21(d).

[13] 65 Fed. Reg. at 44871 c.2 (July 19, 2000) (''[A]dvancements of funds from Non-Citizen processors will not be permitted where the security for the loan is a security interest in the vessel'').

[14] While Alyeska's 25% limited partnership interest in the Vessel Owner is permissible under the AFA's new Non-Citizen ownership restriction, it is uncertain whether MARAD would approve a preferred mortgage held by a 25% Non-Citizen limited partner, even where the Non-Citizen limited partner is not a fish processor with which the Vessel Owner has entered into an exclusive marketing agreement.

transactions and contractual arrangements between Alyeska or its Japanese shareholders and the Vessel Owner will substantially impair the rights and interests of Alyeska and its Japanese shareholders in violation of Article VII.1. The AFA's restrictions on foreign financing and foreign ''control'' of fishing vessels will prevent Alyeska and its Japanese shareholders from protecting their investments in Alyeska's Dutch Harbor processing facility and their existing investment in and loan to the Vessel Owner by offering the Vessel Owner financing for operating funds or for vessel repairs or improvements which may become necessary to permit the Vessel Owner to operate profitably—or at all. If alternative financing from a financial institution is unavailable to the Vessel Owner, the ability of Alyeska to make loans to support the Vessel's continuing operations may be the only means available to protect the Vessel Owner from insolvency and default on its existing loan from Alyeska. Thus, the AFA's restrictions on the ability of Alyeska and its Japanese shareholders to make new loans to the Vessel Owner, to take security in the Vessel or to enter into contracts with the Vessel Owner jeopardize the existing investment and other financial interests of Alyeska and its Japanese shareholders in the Vessel Owner and the Vessel.

''Finally, the new restrictions imposed by the AFA and MARAD's regulations on the ability of Alyeska to make loans to and to enter into exclusive marketing arrangements with fishing vessel owners will disrupt Alyeska's ability to secure a reliable supply of fish to its processing facility. Alyeska's ability to offer financing for the operation, construction, acquisition, repair or improvement of fishing vessels is a necessary means to secure a stable supply of fish to its processing plant. A processor's agreement to provide financing to qualified vessel owners in return for the vessel owner's agreement to sell the vessel's catch exclusively to the processor is a customary means by which vessel owners finance the operation, acquisition, repair or improvement of their vessels and processors secure a reliable supply of fish to their plants. Such arrangements between vessel owners and processors, both wholly domestic and Non-Citizen processors, are common and traditional in the Alaska fishing industry. Non-Citizen processors, such as Alyeska, which have invested many millions of dollars in shore-based processing plants in remote locations in Alaska, must have the ability, like their wholly domestic competitors, to secure a reliable supply of fish to their plants by financing the operation, acquisition, repair or improvement of fishing vessels in return for fish deliveries. Just as their existing ownership and mortgage interests are protected by the Treaty, Alyeska and its Japanese shareholders must also be able to modify and restructure their loans and related security arrangements with the Vessel Owner and make new loans to the Vessel Owner with respect to the Vessel in order to further and protect Alyeska's existing investment, mortgage and business interests in the Vessel, as circumstances may require.

''b. *The Restrictions on Foreign Financing and Foreign ''Control'' of Fishing Vessels Imposed by the AFA and MARAD's Implementing Rules Violate Article VII.1.*

''The new restrictions on foreign financing and foreign ''control'' of fishing vessels imposed by the AFA and MARAD's implementing regulations violate Article VII.1's national treatment guaranty by (1) depriving Alyeska of its existing preferred mortgage interest, securing its existing loan; (2) subjecting the terms of Alyeska's existing loan documents and exclusive marketing agreement with the Vessel Owner to a new requirement of administrative review and approval by MARAD under the new ''control'' standards of the AFA and MARAD's implementing rules; (3) depriving Alyeska of the value of its collateral and the income stream from operations on which Alyeska relied in making its loan; and (4) preventing Alyeska or its shareholders from refinancing its existing loan, making new loans to the Vessel Owner, taking a new mortgage on the Vessel or entering into other contractual arrangements with respect to the Vessel or the Vessel Owner necessary to further or protect their existing financial and business interests in the Vessel.

''Article VII.1 extends full national treatment protection ''with respect to engaging in all types of commercial, industrial, financial and other business activities.'' The negotiating history of the U.S.-Japan FCN leaves no doubt that loans and lending by foreign-owned lenders are entitled to full national treatment under the first sentence of Article VII.1.

''At the fourth informal meeting of the U.S. and Japanese negotiators, the Japanese negotiators argued that foreign-owned banks should be denied national treatment, as well as most-favored-nation protection. One reason given was that their loans could result in the foreign-owned bank lender controlling key industries.[15] For this and other reasons, Japan suggested rewriting Article VII.1, and among other changes deleting ''financial'' from the activities provided national treatment in the first sentence of the provision.

''A cable from U.S. State Department headquarters in Washington noted that the Japanese proposal, and in particular its interest in denying national treatment to bank loans, reflected an attitude that creates a ''difficulty going to heart of treaty.'' [16] The State Department opposed any change that would delete the word *financial* from the first sentence of Article VII.1. Subsequently, the Japanese side suggested instead adding the word ''lending'' to the exception provided in the first sentence of Article VII.2, so that the exception would extend to ''banking involving depository, lending or fiduciary functions.'' In response, the State Department reiterated its opposition to any change that would deny foreign lenders the right to full national treatment under Article VII.1.

''A Department cable explained why the exception to national treatment provided by the first sentence of the U.S. draft of Article VII.2 was limited to only the depository and fiduciary functions of banks.[17] The cable states: ''Mr. Otabe is incorrect in supposing that the U.S. reservation for banking is based on the reason he alleges. The reservation has to do with receiving and keeping custody of deposits from the public at large: that is, the safekeeping of other people's money, a function of particular trust. It does not have to do with the lending activities of a bank; and the Department does not feel that a reservation is either appropriate or necessary as to a bank's lending its own money.'' [18] During the second round of informal meetings, the U.S. negotiators continued to oppose adding loans to the banking functions excluded from full national treatment by the first sentence of Article VII.2, and the Japanese government eventually agreed to withdraw its proposed change.[19]

[15] Annex, Attachment 2, Memorandum of Conversation held March 4, 1952, pp. 2–3.

[16] Annex, Attachment 3, Dept. of State Outgoing Telegram dated March 10, 1952, p. 1. *See also* Attachment 5 at p. 3, noting that the ''* * * first paragraph of Article VI can be considered the heart of the treaty; it is the basic 'establishment' provision, prescribing the fundamental principle governing the doing of business and the making of investments, in a treaty which is, above all, a treaty of establishment.''

[17] Annex, Attachment 4, Dept. of State Outgoing Telegram dated May 21, 1952, p. 3.

[18] *Id.*

[19] Annex, Attachment 5, Memorandum of Conversation concerning discussions on the draft FCN held between October 15, 1952 and March 11, 1953, p. 15.

''The exception to national treatment for certain banking functions in the first sentence of Article VII.2 is the same as in the standard FCN treaty text. The Sullivan Study notes that ''this reservation is stated in terms intended to circumscribe it as much as possible, thereby maximizing the extent to which the banking business remains subject to the rule [of national treatment] set forth in Article VII(1).'' [20] The Sullivan Study notes that the two areas reserved, depositary and fiduciary functions, involve the custody and management of other people's money, and therefore are the most sensitive areas of banking.

''It is clear, therefore, that the reference in the first sentence of Article VII.2 to ''banking involving depository or fiduciary functions'' does not include the lending activities of Alyeska. Both the U.S. and Japanese negotiators were in full agreement as to the meaning of this phrase. Thus, the financing activities of banks and other lenders are entitled to the full national treatment under Article VII.1.[21]

''The provisions of the AFA and MARAD's implementing rules which restrict the right of Japanese-owned entities to make loans secured by preferred mortgages on U.S. vessels or to make loans or enter into other commercial contracts with a vessel owner without prior MARAD approval of the loan or contract terms are inconsistent with the guaranty of national treatment in Article VII.1. The rationale that such loan activities may be restricted on the grounds that they could result in a degree of control over sensitive industries was specifically considered by the U.S. negotiators and rejected as a valid reason for limiting the Treaty's protections for such lending activities. The control argument presented by Japan at that time is the same argument used to justify the restrictions of the AFA. Although the negotiating history deals largely with banking, the language of Article VII.1 extends the protections of national treatment broadly to ''all types of commercial * * * financial and other business activities.'' Under Article VII.1, neither State Party may restrict loans by foreign-owned entities to the owners of fishing vessels of their national flag or commercial contract arrangements between them.

''The AFA and MARAD's implementing rules impose new restrictions on the ability of Alyeska and its shareholders, going forward, to protect their existing financial interests in the Vessel Owner and the Vessel by, *e.g.,* re-financing existing loans, advancing new loans for operation, repair or improvement of the Vessel or entering into other financing or contractual arrangements with the Vessel Owner. These restrictions are not permitted by Article VII.1 of the Treaty. Article VII.1 extends the Treaty's protection both to loans, mortgages and other financing arrangements that are now outstanding under the terms of existing financing documents and to future financing activities by Alyeska or its shareholders involving the Vessel or the Vessel Owner.

''Application of the AFA's new ''control'' standards to restrict the ability of Alyeska to do business with the vessel owners that supply fish to its processing plant, as it has done in the past and on the same terms as its U.S. Citizen competitors, would deny national treatment to Alyeska and its Japanese shareholders. The State Department has recognized that the exception to the requirement of national treatment that may apply with respect to the ownership of fishing vessels under the first sentence of Article VII.2 does not apply to fish processors.[22] Article VII.1 applies, and it extends the protection of full and unconditional national treatment to fish processors with Japanese ownership, such as Alyeska. The discriminatory restrictions imposed under the AFA on Alyeska's ability to enter into future financing and other contractual arrangements with the Vessel Owner to ensure a stable supply of fish to Alyeska's Dutch Harbor processing facility clearly violate Article VII.1.

''For these reasons, Petitioners seek a determination by MARAD that Sections 202, 203 and 204 of the AFA and MARAD's implementing regulations do not apply to Petitioners with respect to (a) Alyeska's existing preferred mortgage and associated loan documents previously executed by the Vessel Owner in favor of Alyeska; (b) the exclusive marketing agreement contained in the Morning Star Limited Partnership Agreement; or (c) future financing and ancillary contractual arrangements between Alyeska or its Japanese shareholders and the Vessel Owner, including exclusive marketing agreements.

''2. *Application of the AFA and MARAD's Implementing Rules to Petitioners Would Result in a ''Taking'' in Violation of Article VI.3.*

''The first sentence of Article VI.3 of the Treaty states that ''[p]roperty of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation.'' This ''takings'' provision precludes expropriations and other measures that substantially impair a Japanese national's direct and indirect property rights. Applying the AFA's new restrictions to prohibit Alyeska from holding its existing contract rights and preferred mortgage interest in the Vessel would deprive Alyeska of its property in violation of Article VI.3.

''The term ''property'' in Article VI.3 includes not simply direct ownership but also a wide variety of property interests, such as those which the Non-Citizen Petitioners have in the Vessel Owners and in the Vessels. The Protocol to the U.S.-Japan FCN explicitly states that ''[t]he provisions of Article VI, paragraph 3 * * * shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.''[23] As the United States delegates made clear during the negotiation of the Treaty, the phrase ''interests held directly or indirectly''

> is intended to extend to every type of right or interest in property which is capable of being enjoyed as such, and upon which it is practicable to place a monetary value. These direct and indirect interests in property include not only rights of ownership, but [also] * * * lease hold interest[s], easements, contracts, franchises, and other tangible and intangible property rights.[24]

In short, ''all property interests are contemplated by the provision.''[25] This necessarily includes the preferred mortgage interest which Alyeska has in the Vessel, together with ancillary contract rights granted to Alyeska in the

[20] Charles H. Sullivan, ''State Department Standard Draft Treaty of Friendship, Commerce and Navigation'' (undated) (hereinafter ''Sullivan Study'') at 144.

[21] To the extent that it could be argued that the first sentence of Article VII.2 might permit restrictions on foreign financing of fishing vessels, the grandfather provision of Article VII.2 would clearly protect Alyeska and its shareholders with respect to their existing rights and interests, as the holders of ownership and debt interests in the Vessel Owner and mortgage interests in the Vessel, and with respect to future financing activities undertaken to further or protect those interests. Alyeska and its Japanese shareholders clearly ''acquired interests'' in the Vessel Owner and the Vessel prior to enactment of the AFA and are thus entitled to national treatment in future dealings with the Vessel Owners.

[22] Annex, Attachment 6, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964, as published in Ronny E. Jones, ''State Department Practices Under U.S. Treaties of Friendship, Commerce, and Navigation'' (1981) (hereinafter ''Jones Study'') at p. 80.

[23] Protocol, ¶ 2 (emphasis added).

[24] Annex, Attachment 7, Memorandum of Conversation dated April 15, 1952 at p. 3.

[25] *Id.*

loan documents and related agreements executed by the Partnership in conjunction with that loan.

''The concept of a taking in this context is broad and ''is considered as covering, in addition to physical seizure, a wide variety of whole or partial sequestrations and other impairments of interests in or uses of property.'' [26] Here, the AFA's new restrictions on foreign investment and foreign financing will prohibit the Vessel Owner from employing the Vessel in the U.S. fisheries. In effect, the AFA will either deprive the Petitioners of the economic value of their interests in the Vessel by prohibiting its productive use, force divestiture by Alyeska of its loan and preferred mortgage interests in the Vessel or force complete divestiture by the Vessel Owner of its interests in the Vessel. The impairment of the presently existing right of the Vessel Owner to employ the Vessel in the U.S. fisheries—and the right of Alyeska to hold its loan and preferred mortgage interests in the Vessel—is a sufficient impairment of those rights and interests as to constitute a violation of Article VI.3.

''Further, a taking is permitted under the Treaty only for a ''public purpose,'' and it is clear that application of the AFA's ownership restrictions to the Vessel Owner so as to force a divestiture of Alyeska's loan and preferred mortgage interests or complete divestiture of the Vessel to a private party which qualifies as a U.S. Citizen would not satisfy the ''public purpose'' requirement of the U.S.-Japan FCN. Even if such a forced sale to a private party could be characterized as having a ''public purpose,'' the AFA makes no provision for the ''prompt payment of just compensation,'' as required by Article VI.3. The fact that the AFA and 46 CFR Part 356 fail to provide any compensation scheme—let alone ''adequate provision * * * at or prior to the time of taking for the determination and payment thereof,'' as required by Article VI.3—is another basis for concluding that the AFA's retroactive limitations on foreign ownership and foreign financing of fishing vessels are inconsistent with Article VI.3 of the U.S.-Japan FCN.

''3. *The AFA and MARAD's Implementing Rules Impair Petitioners'' Legally Acquired Rights in Violation of Article V.*

''The new restrictions imposed by the AFA and MARAD's implementing rules on foreign involvement in the U.S. fishing industry are ''unreasonable or discriminatory measures'' that impair the legally acquired rights and interests of Petitioners in violation of Article V of the Treaty.

''Article V provides that ''[n]either Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established. * * *'' The provision follows the standard FCN treaty language, except that the language was moved from Article VI.3 in the standard text to a new Article V and certain additional language, not relevant here, was added. According to the Sullivan Study, the provision ''offers a basis in rather general terms for asserting protection against excessive governmental interference in business activities or particular activities not specifically covered by the treaty.'' [27] Herman Walker observed that this language is designed ''to account for the possibility of injurious governmental harassments short of expropriation or sequestration.'' [28] A State Department memorandum to Congress, discussing language very similar to Article V in another treaty, noted that the language ''affords one more ground, in addition to all the other grounds set forth in the treaty, for contesting foreign actions which appear to be injurious to American interests.'' [29]

''The negotiating history confirms that Article V was intended as a general provision prohibiting discrimination against foreign-owned entities not subject to other provisions of the U.S.-Japan FCN. During the negotiations, Japan proposed adding language prohibiting the denial ''of opportunities and facilities for the investment of capital.'' The proposal was not adopted after the U.S. opposed it on the grounds that Article VII fully addressed investment activities and that the additional language was not appropriate in Article V, which addresses issues not limited to investment.[30]

''Thus, Article V was intended as a general prohibition of discriminatory restrictions not covered by other provisions of the U.S.-Japan FCN and of restrictions that do not rise to the level of a ''taking.'' Article V prohibits deprivations of both most-favored nation treatment and national treatment.[31] Thus, it would apply to the variety of discriminatory prohibitions and restrictions that the AFA and MARAD's implementing regulations impose on Petitioners' existing ownership and mortgage interests and other contract rights and on Petitioners' ongoing ability to protect those rights and interests by entering into future transactions among themselves related to the Vessel.

''The intrusive and discriminatory restrictions imposed by the AFA and MARAD's implementing rules on transactions between Non-Citizen lenders, such as Alyeska, and U.S. fishing vessel owners place the Non-Citizen lenders at a significant competitive disadvantage. U.S. Citizen processors and other lenders are free to make loans and to enter into contracts with fishing vessel owners without restriction. U.S. Citizen processors remain free to obtain a reliable supply of fish by financing fishing vessel acquisitions, conversions, repairs and improvements in return for exclusive marketing relationships while Non-Citizen processors are prohibited from making similar arrangements. As previously noted, MARAD has stated that Non-Citizen processors will be flatly prohibited from taking security in fishing vessels to secure loans to vessel owners. Under 46 CFR 356.45, a Non-Citizen lender is not even permitted to make an unsecured loan to a fishing vessel owner, if (a) the loan exceeds the annual value of the vessel's catch (where an exclusive marketing agreement is involved—*see* § 356.45(a)(2)(i)); or (b) the lender is ''affiliated with any party with whom the owner * * * has entered into a mortgage, long-term or exclusive sales or purchase agreement, or other similar contract * * *'' (*see* § 356.45(b)(1)). Under these standards, Alyeska's existing loan to the Vessel Owner would no longer be permitted and Alyeska will not be permitted to make future loans to the Vessel Owner to protect its existing interests. Further, the requirement of MARAD review and approval is itself an unreasonable and discriminatory

[26] Sullivan Study at 116 (emphasis added).

[27] *Id.* at 115.

[28] Herman Walker, Jr., ''Treaties for the Encouragement and Protection of Foreign Investment: Present United States Practice,'' 5 Am. J. Comp. Law 229 at 236 (1956).

[29] Annex, Attachment 8, Department of State Instruction dated February 15, 1954, p. 2, (discussing the applicability of Article V of the U.S.-Japan FCN to American lawyers doing business in Japan, and citing May, 1952 memorandum to U.S. Committee on Foreign Relations).

[30] *Id. See also,* Annex, Attachment 9, Department of State Division of Communications & Records Outgoing Airgram dated October 28, 1952, p. 2. The latter indicates that, among other reasons, the State Department opposed the proposed Japanese language because it was concerned that the language ''could be construed (but tortuously) as allowing each party latitude with respect to discharging its full obligations under Articles VII and VIII to accord national treatment to the introduction of investment capital and the initiation and development of investment enterprises.''

[31] Sullivan Study at 115.

burden, particularly in the absence of coherent published standards. The AFA and MARAD's rules thus impose ''unreasonable or discriminatory measures'' on Non-Citizen fish processors, such as Alyeska, impairing their legally acquired rights and interests and their ongoing ability to protect those interests in violation of Article V of the U.S.-Japan FCN.

''4. Article XIX.6 Does Not Authorize the Provisions of the AFA and MARAD's Implementing Rules which are Otherwise in Violation of the U.S.-Japan FCN.

''Article XIX.6 provides that notwithstanding any other provision of the Treaty, ''each Party may reserve exclusive rights and privileges to its own vessels with respect to the * * * national fisheries * * *.'' This provision does not authorize the discriminatory limitations on Japanese investment and financing contained in the AFA and MARAD's implementing rules.

''Even if Article XIX.6 is interpreted as applying to fishing vessels,[32] it would be irrelevant to the issues presented here with respect to the AFA. Consistent with the Treaty text authorizing a Party to reserve exclusive rights to ''its own vessels,'' the State Department has interpreted Article XIX.6 merely to permit the U.S. to reserve the right to catch or land fish in the U.S. national fisheries to ''U.S. flag vessels.'' [33] The text of Article XIX.6 says nothing about and certainly does not authorize restrictions on foreign ownership or financing of U.S. flag fishing vessels or the ability of foreign-owned enterprises to do business with the owners of U.S. flag fishing vessels—restrictions that otherwise clearly violate Article VII of the Treaty.

''The historical record of the negotiations provides further evidence that Article XIX.6 was not intended to override Article VII's national treatment requirements with respect to foreign investment in or financing of U.S. flag fishing vessels or other dealings between foreign-owned enterprises and fishing vessel owners. At one point, the Japanese negotiators proposed rewriting Article XIX.6 to provide that the national treatment provisions of the Treaty would not extend to ''nationals, companies and vessels of the other Party any special privileges reserved to national fisheries.'' [34] The State Department understood the Japanese suggestion as an attempt to obtain a blanket exception from the entire Treaty for national fisheries.[35] The U.S rejected the Japanese proposal and the language of Article XIX.6 remained unchanged. The issue of Japanese investment in and other dealings with enterprises owning or operating U.S. flag fishing vessels was left to Article VII.

''Subsequent practice of the State Department confirms this reading of Article XIX.6. In 1964, the State Department reaffirmed the narrow scope of Article XIX.6 in a letter to the House Committee on Merchant Marine and Fisheries. The letter makes clear that the provision merely permits the United States to reserve the right to catch or land fish to U.S. flag vessels.[36]

''This reading of Article XIX.6 in the U.S.-Japan FCN also comports with the State Department's reading of this same language in other FCN treaties to which the U.S. is a party. The Sullivan Study explicitly states that ''[t]he crucial element in Article XIX is that it relates to the treatment of vessels and to the treatment of their cargoes. It is not concerned with the treatment of the enterprises which own the vessels and the cargoes.'' [37]

''Thus, the text, negotiating history and subsequent State Department practice and understanding all explicitly confirm that Article XIX.6 is irrelevant to laws restricting foreign ownership and control of fishing vessel owners and thus does not override the other provisions of the U.S.-Japan FCN dealing with foreign investment and business activity. Article XIX.6 does not exempt the AFA's foreign ownership, financing and control restrictions from Articles V, VI.3, VII or IX.2, each of which bars application of those restrictions to Petitioners with respect to the Vessel Owners and the Vessels.

''5. *A Broad Interpretation of the Treaty's Protections is in the U.S. Interest.*

''The terms of the U.S.-Japan FCN and the other FCN treaties which share the same language are reciprocal—that is, the principle of ''national treatment'' applies not only to protect the investments of foreign nationals in the United States but also to protect the investments of U.S. nationals in Japan and other countries. Thus, any interpretation of the U.S.-Japan FCN adopted by MARAD in the present context will also define the rights of U.S. nationals doing business in Japan and other countries, now and in the future. A narrow interpretation of the U.S.-Japan FCN's protections for Japanese enterprises and their investments in the present context will effectively limit the rights of U.S. investors and U.S. businesses in Japan and other countries with which the United States has concluded similar FCN treaties.

''For this reason, the State Department has interpreted the national treatment requirement of the FCN treaties broadly in the past.[38] The U.S. interest in protecting U.S. nationals doing business abroad, as well as the State Department's historical practice in interpreting the FCN treaties, requires an interpretation of the U.S.-Japan FCN which will protect the interests of foreign enterprises and the U.S. companies in which they have invested from the retroactive and discriminatory prohibitions and restrictions of the AFA and 46 CFR Part 356.

''6. *The Government of Japan has Determined that Section 202 of the AFA is Inconsistent with the U.S.-Japan FCN.*

''The United States has agreed in Article XXIV of the Treaty to give ''sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the [Government of Japan] may make with respect to any matter affecting the operation of the present Treaty.'' The Government of Japan has strongly objected to the application of the AFA's new limitations and restrictions on foreign ownership, foreign financing and foreign control of U.S. fishing vessels to Japanese nationals and companies that have invested in the U.S. fisheries prior to the effective date of the Act on the ground that such application would violate the U.S.-Japan FCN. In a letter to Jo Brooks of the Office of Legal Adviser, U.S. Department of State, dated August 30, 1999, the Minister for Economic Affairs of the Embassy of Japan stated that the AFA's ''new U.S. citizen ownership and control requirements'' ''if applied without exception, would impair the legally acquired rights or interests of Japanese nationals and corporations in the United States of

[32] Article XIX.7 defines ''vessel'' to exclude ''fishing vessels'' for purposes of Article XIX.6.

[33] Annex, Attachment 6, Letter to the Chairman of the House of Representatives Committee on Merchant Marine and Fisheries from Robert Lee, August 17, 1964. *See* fn. 22.

[34] Annex, Attachment 10, Memorandum of Conversation held April 3, 1952, at p. 5.

[35] Annex, Attachment 11, Department of State Outgoing Airgram dated June 1952, at pp. 1–2 (nothing that a clearer way to effect the Japanese intent would be by adopting a single comprehensive exception stating that ''[t]he provisions of the present Treaty shall not apply with respect to the national fisheries of either Party, or to the products of such fisheries'').

[36] *See* fn. 22. *See also,* Jones Study at 80–81.

[37] Sullivan Study at 284 (emphasis added).

[38] *See, generally,* Jones Study.

America.'' [39] The Minister for Economic Affairs noted section 213(g) of the AFA and stated the position of the Government of Japan as follows:

As an existing international agreement relating to foreign investment, we would like to refer to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America, hereinafter referred to as ''the Treaty.'' Paragraph two of Article VII of the Treaty states that ''* * * new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party.'' The Government of Japan is of the view that since the new requirements under the provisions of Subsection 202(c) [40] of the AFA would be recognized as new limitations imposed by the United States, such new requirements would be inconsistent with paragraph two of Article VII of the Treaty if applied to entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations at the time the AFA comes into force.

Moreover, paragraph one of Article V of the Treaty states that ''Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, in the skills, arts or technology which they have supplied;—.'' This provision indicates that any U.S. government measure that impairs the legally acquired rights or interests of Japanese nationals and companies should not be permitted under this Treaty. Therefore, the Japanese nationals and companies that have already invested in fisheries in the United States should be exempted from the application of the new requirements under Subparagraph 202(c) of the AFA.

Accordingly, the Government of Japan is of the view that the entities that are engaged in fishing activities and owned or controlled by Japanese nationals and corporations should be exempted from the new requirements set forth in the Section 202(c). * * * [41]

''In a subsequent letter to the Department of State, dated January 24, 2000, the Embassy of Japan expressed the ''concern'' of the Government of Japan about regulations proposed by MARAD to implement the AFA.[42] In its January 24, 2000 letter, the Embassy of Japan reiterated the view of the Government of Japan that Section 202 of the AFA is ''inconsistent with paragraph two of Article VII and paragraph one of Article V of the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America'' and therefore ''in accordance with the provision of Section 213(g) of the Act'' ''will not apply to entities that are engaged in fishery activities and owned or controlled by Japanese nationals or corporations.'' With respect to MARAD's proposed regulations, the Embassy of Japan noted that the regulations ''would require the procedure of an annual petition from Japanese companies that are engaged in fishery activities even before October 1, 2001, in order for the continuation of their activities. To impose such a new burden would be inconsistent with the aforementioned obligations of the United States as stipulated by the Treaty.'' [43] The Embassy of Japan noted further:

The proposed regulations would require a private company to provide interpretations of the Treaty and the AFA as an attached document to the petition for exemption from the AFA, as prescribed in Section 356.53(b)(3). It is rather the obligation of the Government of the United States as party to the Treaty to do so.[44]

The Government of Japan requested ''that the Government of the United States fully ensure * * * that all Japanese companies at present engaged in fishery activities be exempted from the new requirements prescribed in Section 202 of the AFA.'' [45]

''Thus, the Government of Japan has strongly expressed its view that the AFA's new restrictions on foreign investment, foreign financing and foreign control of U.S. fishing vessels are inconsistent with the U.S.-Japan FCN as applied to companies with existing Japanese investment. In light of the obligation of the United States under Article XXIV of the Treaty to give ''sympathetic consideration'' to the representations of the Government of Japan concerning the conflict between Section 202 of the AFA and the Treaty and the interest of the United States in the protection of its own enterprises and investors abroad, MARAD should acknowledge the conflict between the AFA and the U.S.-Japan FCN and issue an order holding that Petitioners are exempt from the requirements of Section 202 of the AFA and the implementing provisions of Section 203 and 46 CFR Part 356 with respect to the Vessels.

''B. AFA Section 213(g) Exempts Japanese Enterprises and U.S. Enterprises With Japanese Investment From the AFA's Limitations and Restrictions on Foreign Ownership, Foreign Financing and Foreign ''Control'' of U.S. Fishing Vessels.

''Sections 202, 203 and 204 of the AFA and the implementing regulations published by MARAD on July 19, 2000, codified at 46 C.F.R. Part 356, impose a host of new limitations and restrictions on foreign ownership of fishing vessels, foreign financing of fishing vessels and contractual arrangements between foreign enterprises or U.S. companies with substantial foreign ownership and U.S. fishing vessel owners. As demonstrated above, if applied to Petitioners, these new limitations and restrictions would deprive Petitioners of valuable existing preferred mortgage interests and contract rights in violation of the U.S.-Japan FCN. Application of the new restrictions to bar Petitioner Alyeska or its Japanese shareholders from entering into future transactions with the Vessel Owner, particularly financing and ancillary contractual arrangements, such as exclusive marketing agreements, would also violate the U.S.-Japan FCN by substantially impairing the ability of Alyeska and its shareholders to protect their existing rights and interests and to carry on their existing lawful businesses in the United States in conformity with past practice and on an equal footing with U.S. Citizens.

''To avoid these results, Congress included a provision in the AFA to ensure that the Act would not contravene U.S. treaty obligations. Section 213(g) provides in pertinent part:

In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. * * *

Section 213(g) makes clear that its reach is intended to extend to every ''owner'' or ''mortgagee'' holding an ownership or mortgage interest on October 1, 2001, when Sections 202, 203 and 204 of the AFA become effective. Section 213(g) provides explicitly that the exemption does not apply to ''subsequent owners and mortgagees'' who acquire their interests *after* October

[39] Annex, Attachment 12 (August 30, 1999 letter from the Minister for Economic Affairs, Embassy of Japan, to Jo Brooks, Attorney-Adviser, Office of Legal Adviser, U.S. Dep't. of State) at 1.

[40] There is no Subsection 202(c) of the AFA. The reference intended is clearly subsection 202(a), amending 46 U.S.C. § 12102(c).

[41] Annex, Attachment 12 at 1–2.

[42] Annex, Attachment 13 (January 24, 2000 Letter from the Embassy of Japan to the U.S. Dep't. of State at 1.

[43] *Id.*

[44] *Id.* at 2.

[45] *Id.*

1, 2001 or ''to the owner [of the vessel] on October 1, 2001 if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity *after such date*,'' (emphasis added).

''Petitioners are ''owners'' and ''mortgagees'' who acquired their interests in the Vessels prior to October 1, 2001, and who intend to continue to hold those interests on and after October 1, 2001. The U.S.-Japan FCN is a self-executing treaty which is binding on MARAD as a matter of federal domestic law.[46] Under ordinary principles of statutory construction, the AFA and the Treaty should be construed to avoid conflict and to give effect to each. The federal courts have recognized that federal statutes should be construed in a manner to avoid conflict with international treaties. Thus, federal statutes ''ought never to be construed to violate the law of nations if any other possible construction remains.''[47] Only where Congress has expressed the clear intent to depart from the obligations of a treaty will the provisions of later federal legislation be found to conflict with and supersede U.S. treaty obligations.[48] Here, it is apparent from the terms of Section 213(g) that Congress affirmatively intended to avoid conflict with international treaties such as the U.S.-Japan FCN by exempting ''owners'' and ''mortgagees'' from provisions of the AFA which would otherwise be inconsistent with U.S. treaty obligations. The inconsistency between Sections 202 and 203 of the AFA and the requirements of the U.S.-Japan FCN is demonstrated above with respect to Petitioners. Accordingly, under Section 213(g) of the Act, the provisions of Sections 202 and 203 ''shall not apply'' to Petitioners ''to the extent of * * * such inconsistency.''

''The exemption provided by Section 213(g) is not limited to ownership or mortgage interests in existence on October 1, 2001, but rather applies to an ''owner'' or ''mortgagee'' on October 1, 2001 and extends the exemption ''to the extent of the inconsistency'' between the Act and the Treaty ''with respect to'' the vessel in which the ''owner'' or ''mortgagee'' holds an interest. Petitioners qualify as ''owners'' and ''mortgagees.'' Petitioners are, therefore, exempt from the requirements of the AFA ''to the extent of the inconsistency'' between the AFA and the Treaty. As demonstrated above, the ''inconsistency'' between the AFA and the Treaty is two-fold: (1) The Treaty protects the existing ownership and preferred mortgage interests of Petitioners in the Vessel and related contract rights (including the exclusive marketing agreement) which the AFA would impair, prohibit or restrict; and (2) the Treaty protects future transactions between Alyeska or its Japanese shareholders and the Vessel Owner, which the AFA would prohibit or restrict, including future loans, preferred mortgages and other financing and contractual arrangements which Petitioners may deem necessary or appropriate to protect their existing businesses and their existing interests in the Vessel and the Vessel Owner. Thus, Section 213(g) exempts Petitioners entirely from the restrictions and limitations of Sections 202, 203 and 204 of the AFA and MARAD's implementing rules with respect to the Vessel.''

This concludes the analysis submitted by Petitioner for consideration.

Dated: February 16, 2001.

By order of the Maritime Administrator.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 01–4468 Filed 2–22–01; 8:45 am]

BILLING CODE 4910–81–P

[46] *See, e.g., Zenith Radio Corp.* v. *Matsushita Electric Industrial Co., Ltd.,* 494 F. Supp 1263, 1266 (E.D.Pa. 1980).

[47] *McCulloch* v. *Sociedad Nacional de Marineros de Honduras,* 370 U.S. 10, 21 (1963).

[48] *Id. See, also, Sumitomo Shoji America, Inc.* v. *Avagliano, et al.,* 457 U.S. 176 (1982).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34009]

Toledo, Peoria & Western Railway Corporation—Trackage Rights Exemption—Peoria and Pekin Union Railway Company

Peoria and Pekin Union Railway Company (P&PU) has agreed to grant overhead trackage rights to Toledo, Peoria & Western Railway Corporation (TP&W) over P&PU's track between the point of connection between The Burlington Northern and Santa Fe Railway Company and P&PU near Darst Street in Peoria, IL, milepost 2.1, and the point of connection between P&PU and TP&W at North Main Street in East Peoria, IL, commonly known as P&PU Junction, milepost 0.0, a distance of approximately 4 miles.[1]

The transaction is scheduled to be consummated on or shortly after February 16, 2001.

The trackage rights will enable TP&W to enhance competitive service for intermodal traffic and provide more efficient and economical routings and service for this traffic.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34009 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV.*

Decided: February 15, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–4524 Filed 2–22–01; 8:45 am]

BILLING CODE 4915–00–P

[1] A redacted version of the amendment to the trackage rights agreement between TP&W and P&PU was filed with the verified notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. A protective order was served on February 14, 2001.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Signing Authority for Corporate Officials.

DATES: Written comments should be received on or before April 24, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Majorie D. Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8202.

SUPPLEMENTARY INFORMATION:

Title: Signing Authority for Corporate Officials.

OMB Number: 1512–0188.

Form Number: ATF F 5100.1.

Abstract: ATF collects this information in order to assure that only individuals authorized by a regulated business sign the form on the business' behalf. The form identifies the corporation, the individual or office authorized to sign, and documents the authorization. The permittee is required to keep copies of all qualifying documents for 3 years after final discontinuance.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 250.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 16, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–4552 Filed 2–22–01; 8:45 am]

BILLING CODE 4810–31–P

Corrections

Federal Register
Vol. 66, No. 37
Friday, February 23, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–19]

Revised Schedule of Navigation Fees

Correction

In notice document 01–3549 beginning on page 9893 in the issue of Monday, February 12, 2001, make the following corrections:

1. On page 9893, at the bottom of the page, in the table, line number ''6.'' should read ''7.''.
2. On the same page, in the same table, line number ''7.'' should read ''8.''.

[FR Doc. C1–3549 Filed 2–23–01; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Friday,
February 23, 2001

Part II

Office Of Personnel Management

SES Positions That Were Career Reserved During 2000; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 2000

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 2000.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Resources Management, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2000, regardless of whether those positions were career reserved on December 31, 2000. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such list by March 1 of the following year. OPM is publishing a consolidated list for all agencies.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000

Agency/organization	Career reserved positions
Advisory Council on Historic Preservation:	
Ofc of the Exec Director	Executive Director.
	Special Assistant.
Department of Agriculture:	
Office of the Inspector General	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
	Dep Asst Insp Gen for Invest Immediate Office.
	Deputy Inspector General.
Office of the Chief Economist	Dir Ofc of Risk Assessment & Cost-Benefit Anl.
	Dir Global Change Program Office.
	Director, Office of Energy Policy and New Uses.
World Agricultural Outlook Board	Chairperson.
	Director, USDA Program Outreach Division.
Office of Chief Information Officer	Deputy Chief Information Officer.
	Associate Deputy Director, NTIC.
Office of Operations	Director Office of Operations.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
	Project Manager.
National Finance Center	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
	Deputy Director.
Rural Housing Service	Controller.
	Deputy Administrator for Operations & Mgmt.
	Director Centralized Servicing Center.
Rural Business Service	Deputy Administrator for Business Programs.
Agricultural Marketing Service	Director, Fruit & Vegetable Division.
Agricultural Marketing Service	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Director.
	Director.
Grain Inspection, Packers & Stockyards Administration	Dir Field Management Division.
Animal & Plant Health Inspection Service	Deputy Administrator for Management & Budget.
	Deputy Administrator.
	Director, Center for Plant Health Science & Technology.
	Assistant Deputy Administrator for Emergency Programs, PPQ.
Veterinary Services	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Deputy Administrator, Wild Life Services.
	Dir, Operational Support, Veterinary Services.
	Dir, Natl Ctr for Veterinary Epidemiology.
	Dir, Natl Ctr for Veterinary Epidemiology.
	Dir, Natl Ctr for Veterinary Epidemiology.
Plant Protection & Quarantine Service	Dep Admr, International Services.
	Director, South Central Region.
	Director, Western Region.
	Director Operational Support PPQ.
	Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Food Safety and Inspection Service	Asst Dep Admin (Admin Mgt).
	Deputy Administrator.
	Deputy Administrator.
	Deputy Administrator.
	U.S. Coordinator for Codex Alimentarious.
	Assistant Deputy Administrator.
	Director.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Asst Deputy Administrator.
	Assistant Deputy Administrator.
	Director.
	Deputy Administrator.
	Director.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
	Deputy Administrator.
	Administrator.
	Assistant Deputy Administrator.
Food and Consumer Service	Deputy Admin for Financial Management.
	Deputy Admin for Management.
	Director, Office of Analysis and Evaluation.
Farm Service Agency	Controller.
	Assistant Dep Administrator for Mgmt.
	Director Management Services Division.
	Director, Budget Division.
	Deputy Administrator for Farm Loan Programs.
Foreign Agricultural Service	Dir, Grain & Feed Div.
	Assistant Deputy Administrator Management.
	Director, Cotton, Oilseeds, Tobacco and Seeds Division.
Risk Management Agency	Asst Manager for Research & Development.
	Director, Insurance Services Division.
Agriculture Research Service	Asst Administrator for Technology Transfer.
	Assistant Administrator for Genetic Resources.
	Dep Admin for Admin & Financial Mgmt.
	Director Office of Pest Management Policy.
	Director, National Animal Disease Center.
	Associate Administrator, Special Interagency Programs.
	Associate Deputy Admin Financial Management.
National Program Staff Office	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
	Assoc Deputy Administrator for Animal PPV&S.
	Assoc Dep Admin for Natural Resources & SAS.
	Associate Deputy Administrator for Crop Production, Product Value and Safety.
Beltsville Area Office	Director Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Dir US National Arboretum.
	Dir Beltsville Human Nutrition Research Ctr.
	Director Plant Sciences Institute.
	Dir Livestock & Poultry Sciences Institute.
	Dir Natural Resources Institute.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
	Director, Plum Island Animal Disease Center.
	Director, North Atlantic Area.
South Atlantic Area Office	Associate Dir South Atlantic Area.
	Supervisory Research Geneticist.
	Director, South Atlantic Area.
	Dir, Center for Medical A & V Entomology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Midwest Area Office	Dir Midwest Area.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Dir Natl Ctr for Agri Utilization.
Midsouth Area Office	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
Southern Plains Area Office	Director Southern Plains Area.
	Assoc Dir, Southern Plains Area.
	Dir, Subtropical Agricultural Res Laboratory.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir R.L. Hruska US Meat Animal Res Center.
Pacific West Area Office	Director, Western Regional Research Center.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Supervisory Soil Scientist.
Cooperative State Res Education, & Extension Service	Deputy Administrator Partnerships.
	Deputy Admin for Rural, Economic & Social Dev.
	Special Asst to the Administrator, Csrees.
	Deputy Administrator, Economic and Community Systems.
	Director, Office of Extramural Programs.
	Deputy Admini Communication Tech Distance Edu.
Economic Research Service	Admr, Economic Research Service.
	Associate Administrator-Economic Rsch Svc.
	Dir, Natural Res & Environment Division.
	Director, Information Services Division.
	Budget Coordinator and Strategic Planner.
	Dir Food & Consumer Economics Division.
	Director, Market and Trade Economics Division.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv.
	Dir Estimates Div.
	Dir, Systems & Information Division.
	Director, Survey Management Division.
	Deputy Administrator for Field Operations.
	Associate Administrator.
	Dir Census Division.
	Deputy Administrator for Programs & Products.
	Director, Statistics Division.
	Director, Research & Development Division.
	Director, Census & Survey Division.
	Director, Information Technology Division.
	Associate Deputy Administrator (Western U.S.).
	Associate Deputy Administrator (Eastern U.S.).
Natural Resources Conservation Service	Director Engineering Division.
	Dir Ecological Sciences and Technology Divisi.
	Dir, Consv Planning and App.
	Dir, Community Asst & Rural Development Div.
	Dir, Soils (Soil Scientist).
	Director, Strategic Planning Division.
	Director, Operations Management and Oversight.
	Dir Conservation Operations Division.
	Dep Chief for Mgmt & Strategic Planning.
	Spec Asst to the Dep Chf for Soil S/R Assesmt.
	Natural Resources Manager.
	Special Asst to the Chief (Program Manager).
	Deputy Chief for Strategic Planning and Accountability.
	Director, Resource Conservation & Community Development Division.
	Director, Resource Inventory Division.
	Director, Animal Husbandry and Clean Water Programs Division.
	Associate Deputy Chief for Programs, Air, Water & Soil.
	Director, Resource Assessment Division.
	Associate Deputy Chief for Programs (Animal Husbandry).
	Regional Conservationist—Northern Plains.
	Director, Resource Economics & Social Sciences Division.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief—Administration.
	Dir Forest Pest Mgmt Staff.
	Dir Fiscal & Accounting Services.
	Director Fire and Aviation Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Chief for Operations.
	Deputy Chief Financial Operations.
	Deputy Chief, Business Operations.
	Chief Operating Officer.
	Director, Financial Management Staff.
Research	Director, Vegetation Management & Protection Research Staff.
	Director, Resource Valuation and Use Research Staff.
	Director, Wildlife, Fish & Watershed Research Staff.
	Director, Science Policy, Planning, and Information Staff.
National Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
	Dir, Recreation, Heritage, & Wilderness Res.
State & Private Forestry	Dir Cooperative Forestry.
	Director, Forest Health Protection.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Director, Forest Products Laboratory.
	Dep Regional Forester, Pacific NW Region.
International Forest System	Dir International Institute of Tropical Forest.
American Battle Monuments Commission:	
Office of Executive Director	Executive Director.
Broadcasting Board of Governors:	
Board of Governors	Director, Office of the Comptroller.
International Broadcasting Bureau	Dir Engineering and Technical Operations.
	Deputy for Engineering Resource Control.
	Deputy for Network Operations.
	Director for Spectrum Management.
	Senior Advisor.
Department of Commerce:	
Department of Commerce	Deputy Director for Financial Services/Deputy CFO.
	Chief Financial Officer and Chief Administrative Officer.
	Deputy Chief Financial Officer/Direct of Budget.
	Deputy Chief Administrative Officer.
	Deputy Chief Financial Officer/Deputy Chief Administrative Officer.
	Chief Information Officer.
	Chief Information Officer.
	Deputy Director for Financial Policy.
	Chief Information Officer & Director for High Performance.
	Computing and Communications.
Office of the Secretary	Director, Office of Information Policy, Planning and Review.
Office of the Chief Financial Officer and Assistant Secretary for Administration.	Director for Y2K Outreach.
	Deputy Director, Office of Budget.
	Deputy Chief Information Officer.
	Director for Administrative Services.
Office of the General Counsel	Asst General Counsel for Finance & Litigation Director, Office of Intelligence Liaison.
Director for Human Resources Management	Director for Human Resources Management.
	Dep Dir of Human Resources Management.
Director for Financial Management	Dir for Financial Management.
Office of Budget Mgmt & Info & Chief Information Offcr	Director, Office of Budget.
	Chief Information Officer.
Director for Executive Budgeting & Assistance Mgmt	Dir for Federal Asst & Management Support.
Office of Security and Administrative Services	Director, Office of Security.
	Director, Office of Acquisition Management.
Office of the Assistant Secretary for Administration	Director for Technology Management.
	Deputy Assistant Secretary for Security.
Office of Inspector General	Asst Inspect Genrl for Compliance Admin.
	Asst Inspector General for Syst Evaluation.
Office of Counsel to the Inspector General	Counsel to the Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Inspections and Program Evaluation	Assistant Inspector General for Inspections and Program Evaluation.
Office of Audits	Assistant Inspector General for Auditing.
Office of Investigations	Asst Inspector General for Investigations.
Economics and Statistics Administration	Director, Stat—USA.
Bureau of the Census	Assistant Director for Marketing and Customer Liaison.
	Chief, Human Resource Division.
Office of the Director	Assoc Dir for Field Operations.
	Chief Decennial Sys & Contracts Magnt Office.
	Principal Assoc Dir and Chief Financial Offc.
	Principal Associate Director for Programs.
	Special Advisor to the Deputy Director.
	Chief, Policy & Strategic Planning Division.
	Assistant to the Director.
Administrative and Customer Services Division	Chief Admin & Customer Services Division.
Associate Director for Information Technology	Assoc Dir for Information Technology.
Data Preparation Division	Chief National Processing Center.
Associate Director for Economic Programs	Associate Director for Economic Programs.
	Assistant Director for Economic Programs.
Economic Planning and Coordination Division	Chf, Economic Planning & Coordination Div.
Economic Statistical Methods and Programming Division	Chf, Economic Statistical M & P Division.
Agriculture and Financial Statistics Division	Chief Company Statistics Division.
Services Division	Chief Service Sector Statistics Division.
Foreign Trade Division	Chf, Foreign Trade Div.
Governments Division	Chf, Government Div.
Manufacturing and Construction Division	Chf, Manufacturing & Construction Division.
Associate Director for Decennial Census	Associate Director for Decennial Census.
	Asst to the Assoc Dir for Decennial Census.
	Assistant Director for Decennial Census.
Decennial Management Division	Chief Decennial Management Division.
Geography Division	Chf, Geography Div.
Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Div.
Associate Director for Demographic Programs	Associate Dir for Demographic Progs.
	Chf, Population Div.
	Chief Demographic Surveys Division.
Housing & Household Economic Statistics Division	Chf, Housing & Household Econ Statistics Div.
Demographic Statistical Methods Division	Chief, Statistical Methods Division.
Associate Director for Methodolgy & Standards	Chief, Planning, Research, and Evaluation Division.
	Assoc Dir for Methodology & Standards.
Statistical Research Division	Chief Statistical Research Division.
Bureau of Economic Analysis	Associate of Economic Analysis.
Office of the Director	Director.
	Dep Dir, Bur of Economic Analysis.
	Chief Economist.
	Chf Statistician.
Associate Director for Regional Economics	Assoc Dir for Regional Economics.
Associate Director for International Economics	Assoc Dir for International Economics.
Assoc Director for Natl Income, E & W Accounts	Assoc Dir for Natl Inc, Exp, Wealth Accounts.
	Chf Natl Income & Wealth Div.
	Chief International Investment Division.
	Chief, Computer Systems and Services Division.
Director of Administration	Director of Administration.
Office of the Asst Secretary for Export Enforcement	Deputy Assistant Secretary for Export Enforcement.
	Director Office of Export Enforcement.
Office of the Asst Secretary for Economic Development	Chief Financial Officer/Chief Administrative Officer (CFO/CAO).
Office of the Under Secretary	Chief, Financial Officer & Director of Admin.
Office of Consumer Goods	Director Office of Consumer Goods.
DAS for Market Access and Compliance	Dir Trade Compliance Center.
Market Access and Compliance	Director, Office of Eastern Europe, Russia, and Independent State.
Deputy Assistant Secretary for Agreement Compliance	Associate Director for Management.
National Oceanic and Atmospheric Administration	Chief Financial Officer/Chief Admin Officer.
	Dir Staff OFC for International Programs.
	Director, Office of Operations, Management and Information.
Office of International Affairs	Chief Financial Officer/Admin Officer.
Office of Finance and Administration	Director, Budget Office.
	Chief Information Officer.
	Dir for Human Resources Management.
	Dir, Finance Office/Comptroller (FO/Compt).
Office of High Performance Computing and Communications	Dir for High Performance Computing Commun.
Systems Acquisition Office	Information Technology Acquisition Manager.
National Ocean Service	Chf Fin Ofcr/Chf Adm Ofcr (Dir M & B Ofc).
	Director, National Centers for Coastal Ocean Science and Scientist for Nos.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, National Centers for Coastal Ocean Science.
	Dir, Office of National Geodtic Survey (NGS).
Strategic Environmental Assessments Division	Chf, Strategic Environmental Assessments Div.
Coastal Monitoring and Bioeffects Assessment Division	Chief Coastal Monitoring Bioeffects Asses Div.
Hazardous Materials Response and Assessment Division	Chf, Hazardous Materials R & A Division.
Office of Assistant Administrator, Weather Services	Dir, Ofc of Aeronautical Charting\Cartography.
Management and Budget Office	Dep Chf Fin Ofc/Chief Adm Officer.
Office—Fed Coordinator—Meteorology	Senior Advisor.
	Dir, Ofc of the Fed Coord for Meteorology.
Office of Meteorology	Dir, Office of Meteorology.
Service Division	Chief, Service Division.
Office of Hydrology	Director, Office of Hydrology.
Hydrologic Operations Division	Chief, Hydrologic Services Division.
Hydrologic Research Laboratory	Chief, Hydrologic Research Laboratory.
Office of Systems Development	Director, Office of Systems Development.
Techniques Development Laboratory	Chief, Techniques Devel Laboratory.
Office of Systems Operations	Dir, Office of Systems Operations.
Systems Integration Division	Chief, Systems Integration Division.
Systems Operating Center	Chief Telecommunications Operations Center.
Engineering Division	Chief, Engineering Division.
WSR–88D Operational Support Facility	Dir, Nexrad Operational Support Facility.
National Data Buoy Center	Director, NOAA Data Buoy Office.
Eastern Region	Dir Eastern Region NWS.
Southern Region	Dir Southern Region, Ft Worth.
Central Region	Director Central Region.
Western Region	Dir, Salt Lake City Region.
Alaska Region	Dir, Alaska Region, Anchorage.
National Centers for Environmental Prediction	Dir Nat'l Severe Storms Lab.
	Dir Natl Ctr for Environmental Prediction.
	Director, Environmental Modeling Center (EMC) and Deputy Director.
	For Science.
NCEP Central Operations	Director, Central Operations.
	Director, Aviation Weather Center (AWC).
Hydrometeorological Prediction Center	Chf, Meteorological Operations Division.
Climate Prediction Center	Dir Climate Prediction Ctr (CPC).
Storm Prediction Center	Director, Storm Prediction Center.
Tropical Prediction Center	Dir Tropical Prediction Ctr/Natl Hurricane Ct.
National Marine Fisheries Service	Dir Seafood Inspection Program.
	Dir Ofc of Sustainable Fisheries (SF).
	Director, Office of Habitat Protection.
Office of Fisheries Conservation and Management	Chief Intergovernmental & Recreational F & M.
Office of Protected Resources	Dir Ofc of Science & Technology.
Northeast Fisheries Science Center	Science & Research Dir Northeast Region.
Southeast Fisheries Science Center	Science & Research Dir.
Northwest Fisheries Science Center	Science & Research Dir.
Southwest Fisheries Science Center	Science & Research Dir Southwest Region.
Alaska Fisheries Science Center	Science and Research Director.
Office of Asst Administrator Satellite, Data Info Serv	Sr Sci for Environ Satel, D & I Serv (Nesdis)
	Director, Information Technology Mgmt Office.
Director NPOESS Integrated Program	Systems Program Director.
National Climatic Data Center	Director, National Climatic Data Center.
National Oceanographic Data Center	Dir, Natl Oceanographic Data Center.
National Geophysical Data Center	Dir, National Geophysical Data Center.
Office of Systems Development	Dir Ofc of Sys Development.
Ofc of Asst Administrator, Ocean & Atmospheric Research	Program Director for Weather Research.
	Director, Weather and Air Quality Research.
	Dep Asst Admr for Extramural Research.
National Sea Grant College Program	Director, National Sea Grant College Program.
Aeronomy Laboratory	Director, Aeronomy Laboratory.
Air Resources Laboratory	Director Air Resources Laboratory.
Atlantic Ocean and Meteorology Laboratory	Dir, Atlantic Oceanographic & Meteorological.
Geophysical Fluid Dynamics Laboratory	Director.
Great Lake Environmental Research Laboratory	Dir Great Lakes Environmental Research Lab.
Pacific Marine Environmental Research Laboratory	Dir Pacific Marine Environmental Lab.
Space Environment Center	Dir, Space Environment Laboratory.
Environmental Technology Laboratory	Director.
Forecast Systems Laboratory	Director, Forecast Systems Laboratory.
Climate Monitoring and Diagnostics Laboratory	Dir Climate Monitoring & Diagnostics Lab.
Institute for Telecommunication Sciences	Assoc Admr for Telecommunications Science.
ITS, Systems and Networks Division	Deputy Dir for Systems & Networks.
Patent and Trademark Office	Dep Admin for Legislative & International AFF.
	Deputy General Counsel for Intellectual Property and Solicitor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Chemical Patent Exam Groups	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir 150.
Office of Asst Commissioner for Patents	Administrator for Search & Information Res.
	Dep Asst Comm for Patent Process Services.
	Deputy Group Director—1300.
Examing Group Directors	Group Director.
	Group Director.
	Group Director.
	Group Director.
	Group Director.
Electrical Patent Exam Groups	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical Patent Exam Groups	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Asst Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
	Deputy Commissioner for Trademark Examination Policy.
National Institute of Standards and Technology	Deputy Director, NIST Center for Neutron Research.
	Chief, Optical Technology Division.
	Director, Information Technology and Applications Office.
Office of the Director, NIST	Director for Administration and Chief Financial Officer.
	Deputy Director for Management Services.
	Deputy Director for Safety and Facilities.
	Executive Director, Visiting Committee on Advanced Technology Program.
	Director, Boulder Laboratories.
Office of Quality Programs	Director for Quality Programs.
	Dep Dir, Ofc of Quality Programs.
Program Office	Director, Program Office.
	Deputy Director, Information Tech Laboratory.
Office of International and Academic Affairs	Dir International & Academic Affairs.
	Chief Financial Officer.
Office of the Director for Technology Services	Deputy Director, Technology Services.
Manufacturing Extension Partner Ship Program	Assoc Dir for National Programs.
	Dir, Manufacturing Extension Partnership Prog.
	Dep Dir, Manufacturing Ext Partnership Prog.
Directors Office, Technology Innovation	Dir, Ofc of Technol Evaluation & Assessment.
Directors Ofc, Advanced Technology Program	Dir Information Technology Laboratory.
	Associate Dir for Policy & Operations.
	Dep Director, Advanced Technology Program.
	Director, Advanced Technology Program.
	Dir, Materials & Manufacturing Technology Ofc.
	Dir Electronics & Photonics Tech Office.
Electronics and Electrical Engineering Laboratory Ofc	Dir, Electronics & Electrical Eng Laboratory.
	Chief Optoelectronics Division.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Manufacturing Engineering Laboratory Office	Chief, Office of Manufacturing Programs.
	Dep Dir, Manufacturing Engineering Laboratory.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Intelligent Systems Division	Chief, Intelligent Systems Division.
Chemical Science and Technology Laboratory Office	Chief Process Measurements Division.
	Dir, Chemical Sci & Technology Laboratory.
	Dep Dir, Chemical Sci & Technol Laboratory.
Physical and Chemical Properties Division	Chief, Physical & Chemical Properties Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Analytical Chemistry Division	Chief, Analytical Chemistry Division.
Physics Laboratory Office	Mgr, Fundamental Constants Data Center.
	Director, Physics Laboratory.
	Deputy Director, Physics Laboratory.
Electron and Optical Physics Division	Chief Electron & Optical Physics Division.
Atomic Physics Division	Chief, Quantum Metrology Division.
	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist & Fellow of JILA.
	Senior Scientist & Fellow of JILA.
	Chief, Quantum Physics Division.
Materials Science and Engineering Laboratory Office	Dir, Materials Sci & Eng Laboratory.
Ceramics Division	Dep Dir, Materials Sci & Eng Lab.
	Chief, Ceramics Division.
Materials Reliability Division	Chief Materials Reliability Div.
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Building and Fire Research Laboratory	Chief, Fire Safety Engineering Division.
	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Chief, Fire Safety Engineering Division.
Building Materials Division	Chf, Building Materials Div.
Building Environment Division	Chief, Building Environment Division.
Fire Science Division	Chief, Fire Science Division.
Computer Systems Laboratory Office	Associate Director for Program Implementation.
Advanced Network Technologies Division	Chief Advanced Network Technologies Div.
Computing and Applied Mathematics Laboratory Office	Associate Director for Computing.
	Chief High Perf Systems & Services Division.
National Technical Information Service	Deputy Director, Natl Technical Info Service.
O/AD for Financial & Administrative Management	Assoc Dir for Finance & Administration.
	Comptroller.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Litigation).
	Deputy General Counsel (Opinions & Review).
	Deputy General Counsel (Reg & Adm).
	Deputy General Counsel.
Office of the Executive Director	Dep Exec Dir.
	Dir, Ofc in Information Resources Mgmt.
	Director, Office of Financial Management.
Division Economic Analysis	Dep Chf Economist.
	Chief Counsel.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
	Associate Director.
	Associate Director.
	Associate Director
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
	Counsel for Special Projects.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Assistant Executive Director for Compliance.
	Associate Executive Dir for Field Operations.
	Asst Exec Director for Information Services.
Office of Hazard Identification & Reduction	Assoc Exec Dir for Engineering Sciences.
	Associate Executive Director for Economic.
	Asst Exec Dir for Hazard I & R.
	Deputy Assistant Executive Director for Hazard Identification and Reduction.
	Assoc. Exec. Director for Epidemiology.
Corporation for National Service:	
Department of the Chief Financial Officer	Senior Director for Budget & Trust Operations.
Office of the Secretary of Defense:	
Office of the Secretary	Asst to the Secry of Def Intelligence Oversig.
	Deputy Assistant to the Secretary of Defense (Intelligence Oversight).
Office of Under Secretary for Policy	Foreign Relations and Defense Policy Manager.
	Foreign Relations and Defense Policy Manager.
Office of the ASD (Strategy & Threat Reduction)	Principal Director for Strategy.
	Director for Nuclear Safety and Security NATO Policy.
	DUSD for Technology Security Policy Director, Technology Security.
Office of Assistant Secretary (SOLIC)	Dep Asst Secy of Defense (Forces & Resources).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Asst Secy of Defense (Forces & Resources).
	Director for Programs, Resources and Assessments.
	Dir Requirements & Technology & Acquisition.
	Deputy Assistant Secretary of Defense for Special Operations, Policy and Support.
Director Operational Test and Evaluation	Dep Dir for Live Fire Test & Evaluation.
	Associate Director for Test and Evaluation Studies & Analyses.
	Deputy Director for Resources and Ranges.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Asst Insp Gen for Adm & Info Management.
	Dep Asst Inspector Gen for Adm & Info Mgt.
	Dir, Audit Planning & Technical Support.
	Director, Contract Management.
	Director, Financial Management.
	Deputy Asst Inspector General for Auditing.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Director, Acquisition Management Directorate.
	Dep Asst Insp Gen for Criminal Invest P & O.
	Dep Asst Inspect General Auit Policy Oversigh.
	Director, Office of Departmental Inquiries.
Office of the Secretary of Defense:	
Ofc of Inspector General	Director, Office of Intelligence Review.
	Director, Readiness and Logistics Support.
	Director for Audit Follow-Up and Technical Support.
	Deputy Assistant Inspector General for Audit Policy and Oversight.
	Director, Office of Administration and Information Management.
Ofc of Asst Secy of Defense (Reserve Affairs)	Principal Director (Manpower and Personnel).
Ofc Dep Asst Secy (Civilian Personnel P/E Opportunity)	Principal Director and Director, Workforce Relations and Development.
ODASD (Requirements & Resources)	Director, Program and Budget Coordination.
Department of Defense Education Activity	Chief of Educational Support Policy & Legisl.
	Associate Director for Management.
	Deputy Dir Dept of Defense Education Activity for DOD Dependents Schools—(DODDS) Europe.
	Deputy Director, DODEA for Dept. of Defense Dependent Schools—Pacific.
Office Assistant Sec Health Affairs	Dir Info Management Tech & Reengineering.
	Director Acquisition Management & Support.
	General Counsel.
Office of Asst Secy of Def for Public Affairs	Director, AFIS.
	Dir Armed Forces Radio & Television Service.
	Deputy Director, American Forces Information Service.
Deputy Comptroller (Program Budget)	Dir, Prog & Fin Control.
	Dep Dir for Program & Financial Control.
Deputy Comptroller (Management Systems)	Deputy Chief Financial Officer.
Washington Headquarters Services	Director of Personnel and Security.
	Dir, Freedom of Information & Security Review.
	Director Real Estate and Facilities.
	Dep Dir, Real Estate & Facilities.
	Dep Dir, Personnel and Security.
Office of the General Counsel	Deputy General Counsel (IG).
	Dir Def Ofc of Hearings & Appeals.
Office of the Under Secretary of Defense (Acquisition and Technology).	Executive Director, Defense Science Board.
	Director for Defense Procurement.
	Deputy Dir, Cost Pricing & Finance.
	Dep Dir, Contract Pol & Administration.
	Director, Pacific Armaments Cooperation.
	Dep Dir, Def Syst Procurement Strategies.
	Dir Planning & Analysis.
	Dep Dir, Foreign Contracting.
	Dep Dir for Policy Initiatives.
	Dir OSD Studies & FFRDCA.
	Director Ind Capabilities & Assessments.
	Assistant Deputy Under Secretary of Defense (Acquisition Process Policies).
	Principal Assistant Deputy Under Secretary of Defense (Acquisition Reform).
	Director, Acquisition Resources and Analysis.
	Director, Acquisition Resources and Analysis.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Resource Analysis.
	Principal Deputy, Acquisition Resources and Analysis.
	Deputy Director, OSD Studies & FFRDC Programs.
	Deputy Director, Acquisition Management.
Asst to the Sec of Def for Nuclear & Chemical & Biological Defense Programs.	DAS of Def (Nuclear Treaty Programs).
	Deputy Assistant to the Under Secretary of Defense (Nuclear Matters).
Office of the Director of Defense Research & Engineering	Dep Dir Naval Warfare.
	Dep Dir Munitions.
	Sr Staff Special for Air Superiority Systems.
	Dep Dir Land Warfare.
	Dep Dir Electronic Warfare.
	Special Asst Concepts & Plans.
	Deputy Director (Missile Warfare).
	Princ Dep Dir, Strategic & Tactical Systems.
	Deputy Director Air Warfare.
	Dep Dir Arms Control Implementation Compl.
	Asst Dep Dir, Arms Control I & C.
	Dir for Infor Tech.
	Director, Sensor & Electronics Technology.
	Dir. Weapons Technology.
	Deputy Director, Developmental Test and Evaluation.
	Assistant Deputy Under Secretary of DEF (FDP).
	Director for Life Sciences.
	Director for Science and Technology Plans and Programs.
	Assistant Deputy Under Secretary of Defense (Dominant Maneuver).
	Director for Technology Transition.
	Director for Multi-Disciplinary Systems.
	Assistant Deputy Director, Air Warfare.
OFC of Asst Secy (Command, Control, Commun & Intel)	Director, Program Analysis & Integration.
	Director Counterintelligence.
	Director, International Affairs.
Director, Strategic & Theater Nuclear Forces	Director, It Acquisition and Investment.
Deputy Assistant Secretary of Defense (Intelligence)	Director, Intelligence Policy and Collection.
Deputy Assistant Secretary of Defense (Defense-wide C3)	Deputy Director, Communications and C2 Battle Management.
DASD (Information Management)	Special Assistant to the DASD (Deputy CIO).
Director for Special Technology	Director, Technology and Evaluation.
Defense Advanced Research Project Agency (DARPA)	Dir, Contracts Management Office.
	Special Asst, Information Technology.
	Dep Dir for Warfare Info Technology.
	Deputy Director DARPA.
	Prog Manager (Joint Applications Study Group).
	Director, Tactical Technology Office.
	Deputy Director for Management.
	Program Manager, (Acquisition Innovation).
	Director, Microsystems Technology Office.
	Deputy Director, Information Technology Office.
Office of the Joint Chiefs of Staff	Dep Dir for Wargaming, Simulation & Analysis.
Ballistic Missile Defense Organization	Deputy for Program Operations.
	Director, Contracts Directorate.
	Deputy for Technology.
	Asst Dept for Theater Air & Missile Defense.
	Deputy for System Integration.
	Chief Architect/Engineer.
	Deputy Chief Architect/Engineer.
	Asst Deputy for Technical Operations.
	Deputy for System Development.
	Executive Director.
	Deputy Program Manager, National Missile Defense Joint Program Office.
	National Missile Defense Technical Director (NMD TD).
Defense Contract Audit Agency	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy & Plans.
	Director, Field Detachment.
	Director, DCAA.
	Deputy Regional Director, Western Region.
Regional Managers	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Defense Logistics Agency	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Dep Reg Dir Mid Atlantic Region.
	Chief Actuary.
	Dir, Defense Manpower Data Center.
	Dep Commander, Def Construction Supply Ctr.
	Deputy Commander Defense Distribution Center.
	Exe Dir, Resource Planning & Performance Dir.
	Chief Information Officer.
	Dir, Civilian Personnel Mgmt Service.
	Director, Defense Property Accountability System (DPAS) Program Management Office.
	Executive Director Human Resources.
	Executive Director, International Logics.
	Executive Director Logistics Management.
	Director, Defense Automated Printing Service.
	Director, Defense Energy Support Center.
	Deputy Chief Information Officer.
	Executive Director, Electronic Business Office.
	Executive Director.
	Executive Director, Information Technology Policy, Plans and Assessment.
	Executive Director, Business Modernization.
	Executive Director, Logistics Policy and Acquisition Management.
	Program Executive Officer.
Ofc of Staff Dir-Small & Disadvantaged Business Until	Staff Dir, Small & Disadv Busin Utilization.
Office of General Counsel	General Counsel, DLA.
	Deputy General Counsel (Administration).
Office of the Comptroller	Comptroller.
Office of Deputy Director, Material Management	Executive Director Procurement.
	Deputy Commander, Defense General Supply Ctr.
	Executive Dir. Info System & Technology Dir.
	Deputy Commander (DLSC).
Defense Personnel Support Center	Deputy Commander, DPSC.
Defense Training & Performance Data Center	Deputy Dir Defense Manpower Data Center.
Defense Contract Management Agency	Special Asst for Integrity in Contracting.
	Dep Gen Counsel (Acquisition & Contract Mgmt).
	Executive Director, Contract Mgmt Operations.
	Executive Director, Program Integration (Acquisition).
	Dep Commander, Dep Contract Mgmt Command.
	Executive Director, Business Operations.
	Chief Information Officer.
	General Counsel.
	Deputy General Counsel.
Defense Information Systems Agency	Comptroller.
	Dep Director for Strategic Plans & Policy.
	Special Assistant for Liaison Activities.
	Chief, Technology & Standards Division.
	DEP Dir for C4I Programs.
	Special Asst/Infrastructure & Information Systems Security.
	Dir, Joint Electronic Commerce Prog Office.
	Chief Engineer, Information Systems Security.
	Technical Adv, C4I Sys, Prog & Info Assurance.
	Chief, Networks Division.
	Advisor for Cross Program Integration.
	Chief Spectrum Anal & Mangnt Division.
	Commander, DISA Westhem.
	Deputy Chief Engineering Executive for Electronic Commerce.
	Chief, Policy, Plans, and Appropriated Programs Division.
	Chief, Defense Computing Business Office.
	Chief, Defense Information Systems Network Business Office.
	Principal Information for 2000 Operations.
	Deputy Chief Engineering Executive for Information Processing.
	Assistant for Program Oversight.
	Defense Message Systems Implementation/Integration Manager.
	Chief Engineering Executive for Information Transport.
	Commander, Center for Horizontal Integration.
	Chief, Defense Information Systems Network Support Division.
	Chief, Engineering Executive, Office of Chief Information Officer.
	Chief, Defense Information Systems Network Transition and Integration Division, Operations Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director for Manpower, Personnel and Security.
	Deputy Director for Information Engineering.
Office of the Director	Deputy Manager National Commun Systems.
	Inspector General.
Directorate for Strategic Plans and Policy	Chief Information Officer.
Directorate for C4 & Intelligence Programs	Tech Dir Adv Info Tech Services Joint Prog.
	Dep Dir for C4I Modeling, Simulation & Assess.
	Chief Current Network Operations.
Directorate for Operations	Technical Dir, Space Information Syst Office.
Directorate Disa, for Logistics, F & S Projects	Dep Dir for Procurement & Logistics.
Directorate for Personnel and Manpower	Dep Dir for Personnel & Manpower.
Directorate for Engineering & Interoperability	Assoc Dir for Technical & Management Support.
Directorate for Enterprise Integration	Deputy Director for Joint R A & I.
Defense Threat Reduction Agency	Staff Spec for Spec Tech Program.
	Chief, Weapons Lethality Division.
	Deputy Director, Operations Directorate.
	Director for Electronics and Systems.
	Director for Weapons Effects.
	Chief, Simulation and Test Division.
	Director for Programs.
	Program Director, Special Programs Office.
	Dir for Counterproliferation Programs.
	Comptroller.
	Deputy Director, on Site Inspection Plans and Resources.
	Director, Counterproliferation Support & Operations.
	Director, Acquisition Management.
	Director, Chemical-Biological Defense.
Defense Security Assistance Agency	Chief Information Officer.
Defense Finance & Accounting Service	Deputy Director, Cleveland Center.
	Deputy Director Defense Finance and Accounting Service.
Defense Security Service	Dir, Defense Investigative Service.
	Special Asst to the Director.
	Dir DOD Polygraph Institute.
	Chief Operating Officer.
	Comptroller.
	Principal Deputy Director, Defense Security Service.
	Deputy Director for Standards and Quality.
	Deputy Director for Acquisition and Augmentation.
	Chief of Staff.
	Deputy Director for Security Programs.
	Deputy Director for Field Operations.
	Deputy Director for Resources.
	Deputy Director for Program Analysis and Evaluation.
Department of the Air Force:	
Office of the Secretary	Associate Director, Legislative Liaison.
Office of Administrative Assistant to the Secretary	Administrative Assistant.
	Dep Admin Assistant.
Office of Small & Disadvantaged Business Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Deputy Assistant Inspector Gen/Spec Executive Division.
	Executive Director, Defense Cyber Crime Center (DCCC).
Office of ASAF for Financial Management & Comptroller	Principal Dep Asst Secry (Financial Mgmt).
ODAS Budget	Director of Budget Investment.
	Director of Budget Management & Execution.
	Deputy for Budget.
ODAS Cost & Economics	Dep Asst Secy (Cost & Economics).
Office of ASAF for Acquisition	Air Force Program Executive Officer, Launch Systems.
	Principal DAS (Acquisition & Mgmt).
Centralized RFP Support Team Office	Dir, Centralized Rfp Support Team.
ODAS Science, Technology & Engineering	DAS (Science, Technology & Engineering).
ODAS Management Policy & Program Integration	Dep Asst Secy (Mgmt POL & Prog Integration).
ODAS Contracting	Assoc Dep Asst Secy (Contracting).
Air Force Program Executive Office	Program Exec Officer, Info Systems.
	Air Force Program Executive Officer, Weapons.
	Prog Executive Officer for Joint Logistics Systems.
	Air Force Program Executive Officer Space.
Ofc of ASAF for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
	Special Assistant to the Assistant Secretary.
	Associate Deputy Assistant Secretary of the AF (Environment Safety, and Occupational Health).
	Deputy Assistant Secretary of the AF (Personnel, Force Management and Strategy).
Air Force Base Conversion Agency	Dir Air Force Base Conversion Agency.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Air Education & Training Command	Provost, Air University.
Office of the Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Dir Test & Evaluation.
Deputy Chief of Staff, Communications & Information	Director of Chief Information Office Support.
Deputy Chief of Staff, Installations & Logistics	Asst Dep Chief of Staff Installation & Logist.
	Deputy Director of Supply.
Civil Engineer	Deputy Civil Engineer.
Services	Director of Services.
Maintenance	Associate Director of Maintenance.
Logistics Support & Integration	Director of Plans & Integration.
	Deputy Dir for Global Combat Support System.
Supply	Chief, Aircraft/Missile Support Division.
	Chief, Combat Support Division.
Field Operating Agencies	Dir AF Center for Environmental Excellence.
Deputy Chief of Staff, Plans & Programs	Asst Deputy Chief of Staff Plans & Programs.
Manpower, Organization & Quality	Deputy Director for Manpower and Organization.
Programs	Associate Director of Programs & Evaluation.
Strategic Planning	Dep Dir of Strategic Planning.
Deputy Chief of Staff, Personnel	Asst Deputy Chief of Staff Personnel.
	Dir of Personnel Force Development.
	Dep Dir Personnel Management.
	Director, Palace Compass Program Management Office.
Deputy Chief of Staff, Air and Space Operations	Dep Dir of Operational Requirements.
	Assoc Dir Modeling Simulation & Analysis.
	Director Nuclear Weapons and Counterproliferation Agency.
	Associate Director for Ranges and Airspace.
	Associate Director for Operations.
Air Force Materiel Command	Executive Director.
Personnel	Director, Personnel.
Contracting	Deputy Director Contracting.
Logistics	Deputy Director for Depot Maintenance.
	Deputy Director for Supply Management.
Engineering & Technical Management	Director, Engineering & Technical Mgmt.
Financial Management & Comptroller	Dep Director, Financial Mgmt & Comptroller.
Communications & Information	Director, Communications & Information.
Plans & Programs	Deputy Director, Plans & Programs.
Requirements	Principal Assistant Deputy Chief of Staff/Requirements.
Operations Directorate	Deputy Director of Operations.
Space and Missile Systems Center	Director, Systems Acquisition.
	Executive Director.
	Director Contracting.
	Program Director, Milsatcom JPO.
Electronic Systems Center	Executive Director.
	Prog Dir Strategic & Nuclear Deterrence C2.
	Director, Materiel Systems Group.
	Program Director, Defense Information Infrastructure Air Force.
	Director, Information Programs Office.
	Director, Contracting.
Standard Systems Center	Director, Standard Systems Center.
Aeronautical Systems Center	Executive Director.
	Director System Management.
	Program Director, Mobility SPO.
	Dir Financial Management & Comptroller.
Directors of Engineering	Dir of Engineering F–22.
	Director of Engineering, F–22.
	Director of Engineering Propulsion.
	Director of Engineering Joint Strike Fighter.
Systems Program Offices	Prog Dir Joint Air-to Surface Standoff Miss.
	Program Dir Air to Air Joint SPO.
	Program Director, Air Combat SPO.
Human Systems Center	Executive Director.
Air Force Research Laboratory	Executive Director, AFRL.
	Director, Plans & Programs.
	Assoc Dir for Investment Strategy.
	Director, AFRL Washington Office.
	Associate Director for Weapons.
Air Vehicles Directorate	Assoc Dir for Air Platforms.
Space Vehicles Directorate	Director, Space Vehicles.
Information Directorate	Dir Information.
Air Armaments Center	Director, Plans and Programs.
Directed Energy Directorate	Director Directed Energy.
Materials and Manufacturing Directorate	Director, Materials & Manufacturing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assoc Dir for Manufacturing Tech & Afford.
Sensors Directorate	Director Sensors.
	Associate Director for Sensors.
Propulsion Directorate	Director, Propulsion.
Human Effectiveness Directorate	Director, Human Effectives.
Arnold Engineering Development Center	Executive Director.
Air Armament Center	Executive Director.
Air Force Flight Test Center	Executive Director.
Air Logistics Center, San Antonio	Director, Financial Management.
	Executive Director.
	Product Group Manager, Propulsion Systems.
	Dir, Privatization & Realignment.
Air Logistics Center, Oklahoma City	Director, Financial Management.
	Director, Commodities Management.
	Executive Director.
Air Logistics Center, Warner Robins	Director, Financial Management.
	Director, Technology & Industrial Support.
	Executive Director.
	Director, Logistics Management.
	Director, Contracting.
Air Logistics Center, Ogden	Director, Financial Management.
	Executive Director.
	Director Commodities.
	Director, Logistics Management.
	Director, Logistics Management.
	Director, Contracting.
Air Logistics Center, Sacramento	Director, Financial Management.
	Center Director, Vice Executive Director.
Air Force Audit Agency	Asst and Gen (Materiel & Systems Audits).
	Auditor General of the Air Force.
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial & Support Audits).
	Deputy Auditor General of the Air Force.
Air Combat Command	Senior Technical Director.
Air Mobility Command	Principal Dep Dir of Operations for Transport.
Air Force Reserve Command	Air Commander 4th Air Force.
	Air Commander 10th Air Force.
	Air Commander 22nd Air Force.
	Assistant Vice Commander.
	Director, Plans.
	Director of Operations.
AF Space Command	Associate Director of Plans & Programs.
AF Operational Test & Eval CTR	Technical Director.
U.S. Central Command	Scientific Advisor.
U.S. Strategic Command	Assoc Dir for Strategic Planning.
	Dep Dir Comd Ctrl Comm Computer & Intel Sys.
U.S. Transportation Command	Dir Program Analysis & Financial Mgmt.
Department of the Army:	
Office of the Secretary	Interagency Coordinator of Military Support to Civil Authorities.
Office Deputy Under Secretary of Army (OPS Research)	Spec Asst for Air & Missil Defense.
	Asst Dep Under Secy of the Army for Oper Res Special Assistant for Electronic Systems.
	Dir, Test and Evaluation Management Agency.
Office Deputy Under Secretary of the Army (Intl Affairs)	Dir of International Dev & Security Asst.
Office Administrative Asst to the Sec of Army	Adm Asst to the Secy of the Army.
	Dep Admin Asst to the Secy of the Army.
	Dir Single Agency Mgr for Pentgon Info Tech.
	Chief, Technical Officer & Director Engineering & Product Development.
Office of the General Counsel	Deputy General Counsel (Ethics & Fiscal).
Ofc Asst Secretary Army (Civil Works)	Deputy Asa (Management & Budget).
	Deputy Asa (Management & Budget).
	Das of the Army (Policy & Legislation).
Ofc Asst Sec Army (Financial Management & Comptroller)	Assistant Deputy Asa for Army Budget.
	Deputy for Cost Analysis.
	Dir of Investment.
	Das of the Army (Financial Operations).
	Spec Adv for Economic Pol & Productivity Prog.
	Director for Business Resources.
Ofc Asst Sec Army (Manpower & Reserve Affairs)	Deputy Assistant Secretary of the Army (Civilian Personnel Policy).
	Deputy Asst Secy of the Army (ARBA).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Ofc Asst Sec Army (Acquisition, Logistics and Technology)	Deputy Assistant Secretary of the Army (Civilian Personnel Policy).
	Das for Res & Tech/Chief Scientist.
	Deputy Asst Secy of the Army (Procurement).
	Dep Asst Secy for Plans & Programs.
	Director for Research.
	Director for Technology.
	Director for Assessment & Evaluation.
	Director, Procurement Policy and Acquisition Reform.
HQDA Army Acquisition Executive	Deputy Prog Mgr for Chem Demilitarization Oper.
	Deputy PEO, Armored Systems Modernization.
	Dep Prog Exec Ofcr, Command & Control Systems.
	Deputy Prog Executive Officer Comm Systems.
	Program Executive Officer Stamis.
	Dep Program Executive Officer for Aviation.
	Dep Peo, Intelligence & Electronic Warfare.
	Deputy Prog Executive Ofcr, Missile Defense.
	Program Manager, National Missile Defense.
	Dep Prog Executive Ofcr Tactical Missiles.
	Prog Manager for Chemical Demi Operations.
	Dep Prog Executive Officer for Fire Supp Sys.
	Program Exec. Ofcr, Intel., Electr. Warfare & Sensors.
Ofc of Dir of Info Sys for Comm, Contl, Comms/Computers	Dir of Army Information.
	Vice Director to the Disc4.
Army Audit Agency	The Auditor General.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir, Acquisition & Force Mgmt.
	Director, Policy and Operations Management.
Office, Chief of Staff	Director, Facilities, Housing & Environment.
	Assistant Deputy Chief of Staff for Programs.
Operations Test & Evaluation Command (OCSA FOA)	Tech Dir, Test & Exper Command.
	Dir Evaluation Analysis Center.
Army Center of Military History (OCSA FOA)	Chief Historian.
Office, Assistant Chief of Staff for Installation Mgmt	Dep Asst Chief of Staff for Installation Mgmt.
Office, Deputy Chief of Staff for Logistics	Asst Dir for Transportation.
	Executive Director, Strategic Logistics Agcy.
	Chief Aviation Logistics Office.
	Associate Dir for Supply & Maintenance.
Office Dep Chf of Staff for Operations & Plans	Tech Adv to the DCSOPS.
	Director, Army Model & Simulation Office.
Office, Dep Chief of Staff for Personnel	Director of Manprint.
Army Research Institute (DCSPER FOA)	Dir, Manp & Pers Res Lab & Assoc Dir, Ari.
	Dir, US Army Res Inst & Chief Psychologist.
U.S. Total Army Personnel Command (DCSPER FOA)	Director, Army Declassification Activity.
National Guard Bureau	Program Executive Officer for Information Systems & Chief.
	Information Officer.
Walter Reed Army Institute of Research	Chief Dept of Pharmacology.
USA Space and Missile Defense Command	Prin Assistant Resp for Contracting.
	Dir, Advanced Technology Directorate.
	Director, Weapons Directorate.
	Dir Miss Def Battle Integration Ctr.
Training and Doctrine Command (TRADOC)	Asst Deputy Chief of Staff for Resources Mgmt.
	Adcos for Training Policy Plans and Programs.
	Deputy to the Commanding Gen, CASCOM.
	Asst Dep Chief of Staff for Base OPS Support.
	Asst Dep Chief of Staff for Base OPS Support.
	Asst Dep Chief of Staff for Combat Develop.
	Dep Chief of Staff for Base Operations Supp.
Tradoc Analysis Center	Director of Operations.
	Director of Operations.
	Director.
U.S. Army Nuclear and Chemical Agency	Dir, U.S. Army Nuclear & Chemical Agency.
Military Traffic Mgmt Command	Special Asst for Transportation Engineering.
	Deputy to the Commander.
U.S. Army Forces Command	Deputy Director Resource Management.
	Asst DCS for Pers & Inst Mgmt.
	Assistant Deputy Chief of Staff for Logistics and Readiness.
US Army Signal Command	Technical Director/Chief Engineer.
U.S. Army Corps of Engineers	Dir of Real Estate.
	Director of Human Resources.
	Director of Resource Management.
	Principal Asst Responsible for Contracting.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep to the Chief of Staff for Prog & Tech Mgmt.
	Deputy Chief of Staff for Corporate Information.
Directorate of Research & Development	Deputy Chief of Staff for Research & Development.
	Asst Dir for Research & Dev (Civil Works Prog).
	Asst Dir Research & Dev (Military Prog).
Directorate of Civil Works	Chief, Programs Management Division.
	Chief, Planning Division.
	Principal Assistant for Civil Works.
	Chief Engineering Division.
	Chf, OPS, Construction & Readiness Division.
	Chief Policy Review & Analysis Division.
Directorate of Military Programs	Chief Construction Division.
	Deputy Director, Military Programs.
	Chief, Programs Management Division.
	Chief, Environmental Restoration Division.
	Chief, Engineering and Construction Division.
	Chief, Installation Support Division.
Directors of Programs Management	Dir Programs Management, MVD.
	Dir Programs Management, NAD.
	Director of Programs Management.
	Director Programs Management.
	Dir Programs Management, POD.
	Dir of Programs Management, SAD.
	Dir Programs Management, SPD.
	Dir Programs Management, SWD.
Directors of Engineering & Technical Services	Director of Engineering & Technical Services.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services, NAD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, NWD.
	Dir Engineering & Technical Services, LRD.
	Dir Engineering & Technical Services, POD.
	Dir Engineering & Technical Services, SAD.
	Dir Engineering & Technical Services, SPD.
	Dir of Engineering & Technical Services, SWD.
Engineer Waterways Experiment Station, COE	Director, Geotechnical Laboratory.
	Director Hydraulics Laboratory.
	Director Environmental Lab.
	Director, Structures Laboratory.
	Director Coastal Engineering Research Center.
	Dir Waterways Experiment Station.
	Director, Engineer Research and Development.
Engineer Topographic Laboratories, C of Engineers	Director.
Construction Engineering Res Lab Champaign, IL	Director.
Cold Regions Research & Engineering Lab Hanover, NH	Director.
U.S. Army Materiel Command	Deputy Chief of Staff for Corporate Information/CIO.
Office of DCS for Logistics & Operations	Asst Dep Chief of Staff for Logs & Operations.
	Dir Army Single Stock Fund/Dir AMC Logistics Systems and Processes.
Special Analysis Office	Chief Special Analysis Office.
Office Deputy Commanding General	Principal Deputy for Logistics.
	Principal Deputy for Acquisition.
	Principal Deputy for Technology.
Office of DCS for Research, Dev and Acquisition	ADCS for RDA Science Technology & Engineering.
	ADCS for RDA—Business OPS/Director AMC TOCR Program.
Office of Deputy Chief of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Acquisition	Asst Dep Chief of Staff for RES DAAC & P Mgmt.
Office of Deputy Chief of Staff for Personnel	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	ADCS for Resource MGMT/EXEC Dir for Busin.
	Deputy Chief of Staff for Resource Management.
USA Security Assistance Command	Deputy.
US Army Operations Support Command	Deputy to the Commander.
Natick Soldier Center	Director, Natick Rd & E Center.
U.S. Army Soldier & Biological Command (SBCCOM)	Deputy to the Commander.
	Director for Operations, Remediation and Restoration.
	Director, U.S. Army Materiel Command Acquisition Center.
US Army Communications Elect Comd (CECOM)	Director Cecom Acquisition Center.
	Assoc Dir, Cecom ACQ Center—Washington Operations Office.
	Deputy to the Commander.
Cecom Research, Development & Engineering Center	Dir-Night Vision/Electro Sensors Directorate.
	Dir, Space & Terrestrial Comm Directorate.
	Dir, I & E Warfare Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir, Software Engineering Directorate.
	Director/Army Systems, Engineer.
	Dir for C4I Log & Readiness Center.
	Assoc Tech Dir Resech Devel & Engineering Ctr.
	Director, Command, Ctrl & Syst Integration Dir.
U.S. Army Research Laboratory	Director US Army Research Laboratory.
	Associate Director for Plans, Programs and Budget.
	Dep Dir Info Sci/Tech Dir of Atmospherics Res.
	Deputy Director.
Survivability/Lethality Analysis Directorate	Director, Survivability/Lethality Analysis Directorate.
Army Research Office	Director.
	Dir, Research & Technology Integration.
	Dir, Information Sci & Technology Directorate.
	Director, Engineering Sciences Directorate.
	Director, Physical Sciences Directorate.
Sensors and Electron Devices Directorate	Deputy Director and Director Electron Devices Research.
	Director.
Computational and Information Sciences Directorate	Dir Corporate Information & Computing Ctr.
	Director.
	Deputy Director.
Weapons and Material Research Directorate	Deputy Director and Directorate Materials Research.
	Director.
Human Research and Engineering Directorate (ARL)	Director, Human R & E Directorate.
U.S. Army Aviation and Missile Command (AMCOM)	Executive Director, Acquisition Center.
	Executive Dir, Integrated Materiel Mgmt Ctr.
	Deputy Executive Director for TMDE.
	Deputy to the Commander.
	Deputy to the Commander.
	Executive Director Acquisition Center.
	Executive Dir Integrated Material Magnt Ctr.
Missile Res Development & Engineering Center (RDEC)	Dir for Systems Simulation & Development.
	Tech Dir for M & D, Res, Dev & Eng Center.
	Dir for System Engineering & Production.
	Associate Director for Systems, Missiles.
	Director for Weapons Sciences.
	Dir for Missile Guidance.
	Director for Propulsion and Structures.
Aviation Research, Development and Engineering Center	Techn Dir (Aviation) & ED–US Army ARD & EC.
	Director of Aviation Engineering.
	Dir of Aeroflight Dynamics.
	Dir of Advanced Syst/Assoc Dir for Technol.
	Assoc Dir for Tech Appl/Dir of Spec Prog.
Tank-Automotive and Armaments Comd (TACOM)	Director of Acquisition Center.
	Director, Integrated Materiel Mgmt Center.
	Dir US Army Armament & Chemical A & L Act.
	Deputy to the Commander.
Tank-Automotive Res, D & E Center (TARDEC)	Vice President for Research.
	President/Director.
	Vice President for Customer Engineering.
	Vice President for Product Development.
US Army Armament Research, D & E Center (ARDEC)	Technical Director for Armament.
	Asst Technical Director (System Development & Engineering).
	A/Tech/Dir (Systems Concepts & Technology.
Warneads, Energetics & Combat Support Armaments Center	Dir, WE & Combat Support Armaments Center.
Fire Support Armaments Centers	Senior Technical Executive for Fire Support.
Close Combat Armaments Center	Senior Technical Executive for Close Combat.
US Army Simulation, Training & Instrumentation Command	Deputy to the Commander.
US Army Test and Evaluation Command, (TECOM)	Tech Dir & Chf Sci.
	Director, Technical Mission.
	Dir, Joint Prog Ofc for Test & Evaluation.
US Army Materiel Systems Analysis Activity	Director.
	Chief, Combat Integration Division.
Headquarters, US Army, Europe	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Assistant Deputy Chief of Staff Res Mangnt.
	Asst Dep Chf Staff for Eng (Intl Affairs).
	Deputy Chief of Staff for Resource Management.
U.S. Army Military District of Washington	Director of Cemetery Operations.
	Deputy to the Commander for Installation Support.
US Army (SBCCOM)—Edgewood Biological Chemical Center	Director, Engineering Directorate.
	Dir, Res & Technology Directorate.
	Technical Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
U.S. Southern Command	Spec Asst for Technology & Requirements Integ.
	Technical Advisor-Sustaining Base/Quality of Life.
Department of the Navy:	
Office of the Secretary	Chief Information Officer.
	Director for Electronic Business and Security.
Office of the Secretary of The Navy	Assistant for Administration.
Office of the Auditor General	Eastern U.S. Audit Services Facilitator.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Asst. Auditor General for Financial & Force Mgmt. Audits.
	Auditor General of the Navy.
	Deputy Auditor General of the Navy.
	Asst. Auditor General for Infrastructure Audits.
	Asst. Auditor General for Acquisition & Logistics Audits.
Org Deleted	Director, Plans and Policy.
	Dir Program & Financial Audits Directorate.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Dir, Human Resources Operations Center.
	Assist Gen Coun (Manpower & Reserve Affairs).
	Director, Plans, Programs & Diversity.
	Dep A/S of the Navy (Civilian Persnl P/EEO).
OAS of Navy (Installations & Environment)	Asst General Counsel (Install & Environment).
OAS of the Navy (Research, Dev & Acquisition)	Director, Navy Acquisition R & S Improvement.
	Director, Procurement Policy.
	Head, Contract Policy.
	Asst Gen Coun (Res, Dev & Acquisition).
	Director, Acquision Career Management.
	Dep Dir Navy International Programs Office.
Program Executive Officers	Chief Systems Engineer, Theater Air Defense.
	Deputy Program Executive Officer for DD–21.
	Deputy PEO for Aircraft Carriers.
	Director, Plans & Programs Division.
	Chf Engr.
	Asst for Fire Control & Guidance Systems.
	Branch Head, Reentry Systems Branch.
	Dep P/E Officer for Unmanned Aerial Vehicles.
	Dep Prog Exec Officer for Theater Air Defense.
	Technical Plans Officer.
	Head, Res Branch & De Dir, Plans & Progs Div.
	Assistant for Missile Engineering Systems.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manager for Comm Satellite Programs.
	Dep Prog Officer Submarines.
	Program Executive Officer, Undersea Warfare.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcr for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Deputy PEO, Mine Warfare.
	Prog Exec Officer for Space Comms & Sensors.
	PEO for Information Technology.
	AEGIS Deputy Program Manager.
	Prog Exec Officer ASW Assault & Spec Miss Pro.
	Deputy PEO for Enterprise Solutions.
	Chief Engineer, PEO, SCS.
	Deputy PEO for Information Technology Tech Dir.
	Deputy Program Mgr., Future Carrier Program Office.
Ofc of the Asst Secy of Navy (Fin Mgmt Comptroller)	Assoc Dir, Budget & Reports Fiscal Manag Div.
	Asst General Counsel (Financial Management).
	Dir, Investment & Dev Div.
	Dir, Financial Mgmt Pol & Systems Division.
	Director, Program Budget Coordination Division.
	Dir Resource Allocation & Analysis Division.
	Director, Financial Management Division.
	Director, Business and Civilian Resources Division.
Naval Center for Cost Analysis	Dir Naval Center for Cost Analysis.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Special Counsel for Litigation.
Naval Criminal Investigative Service	Dir Naval Criminal Invest Service.
	Asst Dir of Counterintelligence.
	Special Agent in Charge Norfolk Field Ofc.
	Special Agent in Charge.
	Deputy Director, NCIS.
Chief of Naval Operations	Asst Dept Chf of Naval Operations (Logistics).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Dir of Naval Training.
	Asst Dep Chief Naval Oper Res Warfare.
	Asst Dep Chf of Naval Oper Manpower Personnel.
Chief of Naval Operations	Assistant Deputy Chief of Naval Operations (Warfare Requirements Programs).
	Director, Special Programs Division.
	Assistant Director, Space, Information Warfare, Command and Control.
	Head, Readiness & Sustainability Branch.
	Associate Director, Assessment Division.
	Tech Dir, Submarine & SSBN Security Program.
	Technical Director.
	Deputy Director for Programming.
	Head Assessment & Affordability Branch.
	Assoc Dir, Expeditionary Warfare Division.
	Director, Logistics Planning and Innovation.
	Dir Naval History/Dir, Naval Historical Ctr.
	Head Deep Submergence Systems Branch.
	Head Deep Submergence Systems Branch.
	Dep Dir Envir Protection Safety Occp Heal Div.
	Director Strategic Sealift Division.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command	Counsel.
	Comptroller.
	Asst Dept Comdr for Business Operations.
Naval Meteorology & Oceanography Comm, Stennis SC, MS	Technical/Deputy Director.
Ofc of Commander in Chf Allied Forces/Southern Eur	Dir Joint Train Analysis & Simulation Ctr.
	Dep Dir Fleet Maintenance.
	Director, Joint Battle Lab.
	Director, Command, Control Communications and Computer Systems.
	Deputy Director, Shore Activities Readiness.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief Information Officer.
CINCPACFLT	Deputy Director Fleet Maintenance.
	Deputy Director Shore Installation Management.
	Executive Director, Planning & Resources.
	Fleet Human Resources Mgr and Policy Director.
Ofc of the Chief of Naval Education and Training	Comptroller.
Naval Recruiting Command	Deputy Commander.
Naval Air Systems Command Headquarters	Acquisition Reform, Strategy and Metrics Executive.
	Executive Dir, Corporate Operations.
	Deputy Commander for Acquisition & Operations.
	Executive Director for Logistics.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director Weapons Sys Eng Division.
	Deputy Head, Avionics Dept.
	Deputy Head Air Vehicle Dep.
	Dep Head Logistics Management.
	Head, Tactical A & M Contracts Department.
	Head Aircraft Support Dept.
	Head Cost Department.
	Deputy Acquisition Executive.
	Executive Director for Engineering.
	Dir Industrial Operations.
	Head Concepts Analysis Evaluation Plan Dept.
	Head Propulsion & Power Systems Dept.
	Head Propulsion & Power Systems Dept.
	Dep Head Aircraft Sys Engineering Department.
	Head Test Evaluation Engineering Department.
	Head Logistics Support Department.
	Deputy Commander, Naval Air Sys Command.
	Head, Cruise Missiles, UAV & Navair Programs, Contracts Department.
	Dir Budget Formulation Justification Exe Div.
	Deputy Counsel, Navair.
	Executive Dir for Industrial Capabilities.
	Asst Commander for Corporate Operations.
	Joint Eng Data Mgmt I & C Syst Prog Manager.
	Head Air Asw Assault & Special Mission Prog.
	Special Asst for Navy Test & Evaluation.
Naval Air Warfare Center Aircraft Division Lakehurst	Director, Engineering & Research.
	HD Supp Equip Aircraft Launch & Recovery Dept.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Naval Air Warfare Center Aircraft Division	Exec Dir, T & E Group NAWC-Aircraft Div.
	Head, Avionics Department
	Dir of Atlantic Ranges & Facilities Dept.
Naval Air Warfare Center Weapons Div, China Lake, CA	Head, Res and Technology Division.
	Head, Pacific Ranges & Facilities Depart.
	Head, Avionics Dept.
	Head, Syst Engineering Department.
	Director for Test & Evaluation.
	Head Weapons Engineering Dept.
	Dir for Eng, NAWC-Weapons Division.
	Dir Naval Aviation Science & Tech Office.
	Director of Corporate Operations.
	Head, Threat/Target Syst Depart.
Naval Training Systems Center	Executive Director.
	Dir of ACQ, Analysis, Engineering & Research.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Deputy Comptroller.
	Counsel Space & and Naval Warfare Systems Com.
	Chief Engineer Command Sys Prog Directorate
	Executive Dir, Space Tech Systems Prog Dir.
	Director, Washington Operations Office.
	Exec Dir, Undersea Surveillance Prog Dir.
	Exe Dir, Intelligence S & R System Prog Dir.
	Technical Director, SPAWAR.
	Prog Dir Command C & C System Program Dir.
	Program Dir., Adv Concepts & Technologies Dir.
	Executive Director, C4ISR Installations and Logistics Directorate.
	Prog Dir, I & E Warfare Syst Program Dir.
	Deputy Commander.
	Deputy Chief Engineer.
	Dir Strategic Corporate Plann & Devel Office.
	Exec Dep Dir Info Supp Sys Progr Directorate.
Space and Naval Warfare Systems Center	Head Intelligence S & R Department.
	Executive Director.
	Head Navigation & Applied Sciences Dept.
	Head, Command and Control Department.
	Dep Exec Dir Sci Tech Engineering.
	Head Communication & Information Sys Dept.
	Dep Executive Dir for Corporate Operations.
Space and Naval Warfare Systems Center, Charleston	Executive Director.
Naval Facilities Engineering Command	Director Navy Crane Center.
	Director, Special Venture Acquisition Programs.
	Counsel Naval Facilities Engineering Command.
	Deputy Comptroller.
	Director for Contracts Support.
	Chief Engineer.
	Dir of Real Estate Support.
	Dir of Base Closure.
	Director of Environment.
Naval Sea Systems Command	Executive Director.
	Counsel Naval Sea Systems Command.
	Executive Director for Contracts.
	Executive Director/Deputy Comptroller.
	Director, Reactor Materials Divisions.
	Director, Secondary Plant Components Division.
	Head, Advanced Reactor Branch.
	Director, Hydrodynamis Group.
	Dep Dir Surface Ship Design & Sys Eng Group.
	Dir Cost Engineering & Industrial Analysis.
	Dir, Shipbuilding Contracts Division.
	Assistant Deputy Cdr for Industrial OPS.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Executive Director/Battle Force Systems Eng.
	Director, Corporate Operations.
	Chief Information Officer.
	Executive Director for Logistics, M & I OPS.
	Dep Prog Mgr/Techn Dir, New Attack Submarines.
	Dep Prog Mgr for S & A Submarine Program.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Dir Reactor Plant Components Auxil Equip Div.
	Dep Dir/Advanced Submarine Reactor S&SF Mgmt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir Surface Ship Systems Division.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir, Ship S & S Integrity Group.
	Dir Power Systems Group.
	Director, Materials Engineering Office.
	Exec Dir, Ship Design & Engrng Directorate.
	Program Manager for Commissioned Submarines.
	Dir, Surface Systems Contracts Division.
	Dep CDR SSD/Dep PEO for CLW & Auxiliary Ships.
	Director, Office of Resource Management.
	Dir, Reactor Refueling Division.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.
	Deputy Dir Environmental Health & Safety.
	Program Manager, Commercial Ship/Craft Program Office.
	Asst Deputy Commander, Fleet Maintenance Policy and Process Division.
	Asst Deputy CDR Fleet Logistics Support.
	Director, Fleet Readiness Division.
Norfolk Naval Shipyard	Naval Shipyard Nuclear Engineering & Plan Mgr.
	Nuclear Eng & Planning Manager Budget Naval Ship.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Naval Surface Warfare Center, Crane Division	Executive Director.
Naval Undersea Warfare Center Div, Keyport, WA.	Executive Director.
Naval Surface Warfare Center, Pt. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Director.
Coastal Systems Station	Executive Director.
	Head, Coastal Sci, Technology & Analysis Dept.
	Head, Coastal Warfare Systems Department.
Naval Surface Warfare Center, Carderock Division	Director.
	Assoc Dir for Hydromechanics/Head, Hd.
	Assoc Dir for Syst/P & H Ship S/P Directorate.
	Assoc Dir for Ship A/E S/H S/Directorate.
	Assoc Dir for SS & M/HSS & M Directorate.
	Associate Director for Machinery.
Naval Surface Warfare Center, Dahlgren Division	Head, Weapons Systems Department.
	Head, Combat Systems Department.
	Exec Director.
	Deputy Executive Director.
	Head Strategic & Strike Systems Dept.
	Head, Systems Res & Technology Department.
	Head Joint Warfare Applications Dept.
	Dir, Combat Systems Design & Eng Group.
	Head Warfare Analysis & Systems Dept.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Executive Director.
	Head Test and Evaluation Dept.
	Director for Submarine Combat Systems.
	Director, Submarine Warfare Systems.
	Director, Surface Undersea Warfare.
	Hd, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head Torpedo Systems Technology Dept.
Naval Supply Systems Command Hdqtrs	Asst Dep Commander for FIN Mgmt/Comptroller.
	Director, Defense Techology Analysis Office Counsel.
	Assistant Deputy Commander for Electronic Business.
	Executive Director Office of Special Projects.
	Assistant Commander for Fleet Logistics OPS.
	Executive Director.
Naval Inventory Control Point	Vice Commander.
Naval Fleet Material Support Office	Executive Director.
U.S. Marine Corps Headquarters Office	Dep Dir Facilities & Services Division
	Dir Contracts Division.
	Counsel for the Commandant.
	Deputy Counsel for the Commandant.
	Director of Administration and Resources.
	Asst Dep Chf for Prog & Resourc Fiscal Div.
	Asst Dep Chf of Staff for Installations & Log.
	Assistant to the Deputy Commandant of the Marine Corps for M & RA.
	Asst Dep Chf of Staff for Requirements & Prog.
Marine Corps Systems Command	Director, C4I.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Executive Director.
	Deputy for Financial Management.
Marine Corps Materiel Command Albany GA	Deputy Commander for Logistics Operations.
	Executive Director.
Office of Naval Research	Dir, Ship Structures & Systems S&T Div.
	Dir, Mechanics & Energy Conversion S&T Div.
	Director, Marine Corps Science & Technology.
	Director, Physical Sciences S&T Division.
	Executive Director/Technical Director.
	Head Special Programs Department.
	Executive Dir for Acquisition Management.
	Dir Financial Management Comptroller.
	Patent Counsel.
	Counsel, Office of Naval Research.
	Head Engineering.
	Dir Strike Technology Division.
	Dir Math Computer & Information Science Div.
	Dir OAS S & T Processes & Prediction Division.
	Dir OAS at Sensing & Systems Division.
	Head, Industrial and Corporate Programs Department.
	Dir Cognitive & Neural Science & Tech Div.
	Head, Human Systems S & T Department.
	Dir, Biomolecular & Biosyst Sci & Techn Div.
	Head Info Electronics & Surveil Sci Tech Dept.
	Dir of Surveillance Communications Electronic.
	Director, Electronics Division.
	Head Ocean Atmosphere Space Sci Tech Dept.
	Associate Technical Director.
	Director, Naval Fleet/Force Tech Innovation Office.
	Dir Materials Sci and Technology Division.
	Assoc for Integration OAS St Sensing Sys Div.
Naval Research Laboratory	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Supt Materials Sci and Tech Division.
	Supt, Acoustics Div.
	Superintendent, Plasma Physics Div.
	Superintendent Electronics Technology Div.
	Superintendent, Info Technol Div.
	Supt, Tactical Electronic Warfare Div.
	Chief Scientist Lab for Compt Phy Fluid Dynam.
	Superintendent, Remote Sensing Division.
	Assoc Dir of Res for Business Operations.
	Chief Sci & Head, Beam Physics Program.
	Superintendent, Marine Meteorology Division.
	Mgr, Joint Space Systems Technology Programs.
	Assoc Dir Res for Ocean & Atmospheric Sci Tec.
	Superintendent Ctr Bio/Molecular Science Eng.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res for Warfare Sys & Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Oceanography Division.
	Superintendent, SpaceCraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Superintendent, Marine Geosciences Division.
Defense Nuclear Facilities Safety Board:	
Defense Nuclear Facilities Safety Board	Dep Gen Counsel for Pol & Litigation.
	Deputy General Manager.
	Tech Adv for Hazards Anal & Health Physics.
	Technical Advisor for Technical Studies.
	Technical Lead for Engineering Programs.
	Technical Lead for Nuclear Weapons Programs.
	Technical Lead for Materials Processing & Environmental Restoration Programs.
	Technical Lead for Materials Processing & Environmental Restoration.
Department of Education:	
Ofc of the Chief Financial Officer	Deputy Chief Financial Officer.
	Dir Financial Management Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of the Chief Information Officer	Deputy Chief Information Officer.
	Chief Information Officer.
	Dep Chief Info Officer (Operations Engineering).
	Dep Chief Information Officer for Info Management.
	Deputy CIO for Information Assurances.
Office of Management	Chairperson, Education Appeal Board.
	Dir Human Resources Group.
Office of Inspector General	Assistant Inspector General for Audits.
	Dep Asst Insp Gen for Audit Operations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Asst Inspector General for Operations.
	Asst Inspec General for Operations East Area.
	Asst Inspec Gen for Investigation Services.
	Asst Inspector General for Audit Services.
	Deputy Assistant IG for Audit Services.
	Assistant Inspector General for Audit Services.
	Assistant IG for Investigative Services.
Office of the General Counsel	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Education Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
National Center for Education Statistics	Assoc Commr/Surveys & Cooperative Syst Group.
	Associate Commr for Data Collection and Dissemination.
National Center for Education Statistics	Associate Commr for Data Collection and Dissemination.
	Assoc Comr for Stat Std & Methodology Div.
	Deputy Commissioner.
	Associate Commissioner for Assessment.
Student Financial Assistance	Chief Financial Officer.
	Dir, Financial Mgmt Systems Requirements & Testing.
	Director, Collections.
	Director, Student Aid Awareness.
	Deputy Chief Financial Officer.
Department of Energy:	
Deputy Administrator for Defense Programs	Assoc DAS for Program A & F Management.
Office of Counterintelligence	Deputy Director.
Office of Security and Emergency Operations	Dir Ofc of Classification & Technology.
	Director, Office of Security Affairs.
Office of Independent Oversight & Performance Assurance	Director, Office of Safeguards and Security Evaluations.
Office of Safeguards & Security Evaluations	Director.
	Deputy Director.
Office of Chief Financial Officer	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director Capital Accounting Center.
	Director, Budget Operations Division.
	Dir Ofc of Dep Accounting & Fin Sys Dev.
	Dir Ofc of Financial Policy.
	Dir Ofc Compliance and Audit Liaison.
	Deputy Controller.
	Controller.
Office of Economic Impact & Diversity	Dir of Sm and Disadv Bus Utilz.
Assistant Secretary for Energy Efficiency & Renewable Energy	Manager, Golden Field Office.
Assistant Secretary for Environment, Safety & Health	Dir Nuclear Operations & Analysis.
	Dir Office of Environmental Compliance.
	Deputy Director Ofc of ES&H Evaluations.
	Dir Office of Enforcement & Investigations.
	Dir Ofc of Nuclear Safety Policy & Standards.
	Dir Occupational Safety & Health Policy.
	Director, Office of Environment, Safety, and Health Evaluations.
Energy Information Administration	Dir, Ofc of Oil and Gas.
	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director, Ofc of Energy Markets & End Use.
	Director Economics & Statistics Division.
	Director, Statistical and Methods Group.
	Director, Natural Gas Division.
	Director, Petroleum Division.
	Dir, Ofc of Integration Nal & Forecasting.
	Director, Coal & Electrical Power Division.
	Director, Electrical Power Division.
	Director, International Economic & Greenhouse Gases Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir Survey Mgmt Div.
	Director, Information Technology Group.
Assistant Secretary for Environmental Management	Director, Office of Research & Development.
	Assoc DAS for Oversight & Self-Assessment.
	Director, Office of Acquisition Management.
	Science Advisor.
	Director, Office of Budget.
Office of Science	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Chf Processes and Tech Br.
	Dir High En Physics Div.
	Director, Human Health & Assessment Div.
	Deputy Dir for Management.
	Dir, Health Effects & Life Sci Research Div.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, Office of Assessment & Support.
	Assoc Dir Ofc of Computational & Tech Researc.
	Director, Financial Management Division.
Office of Fossil Energy	Director, Materials Partnerships Research Center.
Office of Field Management	Dir, Ofc of Resource Management & Services.
	Deputy Manager, DOE Field Office, CH.
Albuquerque Operations Office	Director, Weapons Surety Division.
	Dir Transportation Safeguards Div.
	Dir, Weapons Programs Div.
	Asst Manager for Management & Administration.
	Carlsbad Area Office Manager.
	Chief Financial Officer.
Chicago Operations Office	Acquisition & Asst Group Manager.
	Fermi Group Manager.
	Asst Mgr for Laboratory Management.
Idaho Operations Office	Assistant Manager for Administration.
	Asst Mgr Ofc of Program Execution.
	Asst Manager for Applied E & T Transfer.
Nevada Operations Office	Chief Counsel.
	Asst Manager for Business & Financial Service.
Ohio Field Office	Manager Ohio Field Ofc.
	Deputy Manager, Ohio Field Office.
	Director, Fernald Environmental Management Projects.
Oakland Operations Office	Field Chf Fin Officer and Business Manager.
	Assoc Manager for Site Management.
Oak Ridge Operations Office	Asst Manager for Administration.
	Chief Financial Officer.
Rocky Flats Office	Manager, Rocky Flats Field Office.
	Dep Asst Mgr for Mail Stabilization & Disp.
	Manager, Rocky Flats Field Office.
Richland Operations Office	Asst Mgr Business Mgmt & Chief Fin Ofcr.
Savannah River Operations Office	Asst Manager for Business & Logistics.
Office of Hearings & Appeals	Dep Dir for Legal Analysis.
Office of Hearings & Appeals	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Office of Management and Administration	Dir HQ Personnel Operations Div.
	Director, Office of Administration.
	Associate Dir, Office of Resource Mgmt.
	Dep Dir of Administrative Services (Wash, DC).
	Dep Dir of Personnel.
	Director, Office of Procurement and Assistance Policy.
	Dir Ofc of Mgnt Sys (Competition Advocate).
	Director Ofc Contract & Resource Management.
	Executive Assistant to the Director.
	Dir, Headquarters & Executive Personnel Serv.
	Chief Information Officer/Director of Information Management.
Office of Inspector General	Asst Inspector General for Investigations.
	Manager, Western Regional Audit Office.
	Director, Audit Policy, Plans & Programs.
	Manager, Eastern Regional Audit Office.
	Dir Capitol Regional Audit Office.
	Deputy Asst Inspector Gen for NNSA and Other Dep'l Investigation.
	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
	Dir, Office of Contractor Employee Protection.
	Asst Inspector General for Resource Mgmt.
	Principal Deputy Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assistant Inspector General for Audits.
	Deputy Inspector General for Inspections.
	Deputy Inspector General for Audits.
	Director for Financial Audits.
	Director for Performance Audits and Administration.
	Manager, Capital Regional Audit Office.
	Assistant Inspector General for Inspections.
	Principal Deputy Inspector General.
	Deputy Inspector General for Audit Services.
	Director of NNSA Audits.
Office of Nuclear Energy, Science & Technology	Dir Advanced Submarine Systems Division.
	Dir Instrumentation & Control Div.
Office of Nuclear Energy, Science & Technology	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Senior Naval Reactors Rep (Pearl Harbor).
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Asst Manager for Operations.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, Idaho Branch Office.
	Program Manager Submarine Technology Develop.
	Assoc Dir, Isotope Production & Distribution.
	Asst Manager for Operations.
	Prog Mgr for Analysis & Regulatory Matters.
	Director Acquisition Division.
	Director for Submarine Refuelings.
	Senior Naval Reactors Representative.
	Dep Program Mgr for Commissioned Subs.
	Prog Mgr Prototype & Moored Training Ship.
	Dir Regulatory Affairs.
Office of Nonproliferation and National Security	Dep Dir, Ofc of Security Affairs.
Western Area Power Administration	Chief Administrative Officer.
	Chief Financial Officer.
Environmental Protection Agency:	
Ofc of the Administrator	Director, Office of Executive Support.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of the Comptroller	Deputy Comptroller.
	Dir Ofc of the Comptroller.
	Director, Annual Planning & Budget Division.
	Director, Financial Services Division.
Office of Planning, Analysis & Accountability	Director, Office of Planning Analy & Account.
	Deputy Director, Office of Planning, Analysis & Accountability.
Office of Environmental Information	Deputy Director, Ofc of Technical Operations & Planning.
	Director, Office of Technical Operations & Planning.
	Director, Office of Planning, Resources & Outreach.
	Director, National Technology Services Division.
Ofc of the Asst Admr for Admin & Resources Management	Director, Ofc of Pol & Resources Mgmt.
	Principal Dep Asst Admr for Amd & Res Mgmt.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Facilities & Support Services Division.
	Dir, Sfty, Health & Environmental Mgmt Div.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—RTP, NC	Director Office of Administration & Res Mgmt.
Ofc of Human Resources and Organizational Services	Dir Office of Human Resources & Org Services.
	Dep Dir Ofc of Human Resources & Org Services.
	Assoc Director for Reengineering & Automation.
	Dir Exec Resources & Special Programs Staff.
	Director, Org & Management Consulting Serv.
Office of Acquisition Management	Dir, Superfund/RCRA Regl Procurement Ops/Div.
	Director, Office of Acquisition Management.
	Dep Dir, Office of Acquisition Management.
Office of Grants and Debarment	Dir, Grants Admin Div.
	Director, Office of Grants & Debarment.
Office of the Asst Admr for Enf & Comp Assurance	Director, Ofc of Environmental Justice.
Office of Federal Activities	Dir, International Enforcement Program Div.
Office of Regulatory Enforcement	Director, Office of Regulatory Enforcement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Dir, Office of Regulatory Enforcement.
	Dir Air Enforcement Division.
Office of Criminal Enforcement, Forensics & Training	Dir Natl Enforcement Training Institute.
Office of Criminal Enforcement, Forensics & Training	Dir Ofc of Criminal Enforce Forensics Train.
	Director, Criminal Investigations Division.
	Deputy Director, Office of Criminal Enforcement, Forensics Training.
Office of Compliance	Director, Office of Compliance.
	Dir, Enforcement Planning, T & D Division.
	Dir, Manufacturing, E & T Division.
	Deputy Director, Office of Compliance.
	Dir, Import-Export Program.
Office of Site Remediation Enforcement	Director, Ofc of Site Remediation Enforcement.
	Dep Dir, Ofc of Site Remediation Enforcement.
Federal Facilities Enforcement Office	Dir Federal Facilities Enforcement Office.
Office of the Inspector General	Counsel to the Inspector General.
Office of Investigations	Assist Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audit	Asst Inspector General for Audits.
	Dep Asst Inspector General for External Audits.
	Dep Asst Inspector General for Internal Audit.
Office of Management	Assistant Inspector General for Management.
Office of Planning, Analysis & Results	Asst. Inspector General for Planning, Analysis & Results.
Office of Wastewater	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
	Director, Permits Division.
Office of Science and Technology	Dir, Standards & Applied Science Division.
	Dir, Standards & Applied Science Division.
	Dir, Health & Ecological Criteria Division.
	Director, Engineering & Analysis Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
	Dir, Oceans & Coastal Protection Division.
	Director, Wetlands Division.
Office of Ground Water & Drinking Water	Dir, E & P Implementation Division.
	Director, Standards & Risk Mgmt Division.
	Dir Implementation & Assistance.
Ofc of the Asst Admr for Solid Waste and Emgy Resp	Director, Outreach and Special Projects Staff.
	Director, Federal Facilities Restoration and Reuse Office.
Office of Solid Waste	Dir Hazardous Waste Identification Division.
	Director, Hazardous Waste Minimization & Management Division.
Office of Air Quality Planning and Standards	Dir, Emission Standards Division.
	Dir Air Quality Strategies & Standards Div.
	Dir Emissions Monitoring & Analysis Division.
	Deputy Dir Ofc of Air Quality Planning & Stds.
Office of Transportation & Air Quality	Dir Advanced Technology Support Division.
	Dir Fuels & Energy Division.
	Director, Assessment & Standards Division.
	Director, Certification & Compliance Division.
Office of Radiation & Indoor Air	Director, Indoor Environments Division.
	Director, Radiation Protection Division.
Office of Atmospheric Programs	Director, Acid Rain Division.
	Director, Atmospheric Pollution Prevention Division.
Office of the Asst Admr for Prevention P & T Substances	Dir Ofc of Program Management Operations.
Office of Pesticide Programs	Dir-Registration Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Biological & Economic Analysis Division.
	Dir, Spec Review & Reregistration Division.
	Dir Envir Fate and Effects Division.
	Dir Policy & Special Projects Staff.
	Dir Antimicrobials Division.
	Dir Field & External Affairs Division.
	Dir Inf Resources & Services Division.
	Director, Biopesticides and Pollution Prevention Division.
Office of Pollution Prevention and Toxics	Director, Environmental Assistance Division.
Office of Pollution Prevention and Toxics	Dir, Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.
	Dir Chemical Management Division.
	Dir Health Effects Division.
	Director, of Risk Assessment Division.
Office of Resources Management and Administration	Dir, Ofc of Resources Mgmt & Admin.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Science Policy	Director, Office of Science Policy.
National Health & Environmental Effects Res Lab (RTP)	Dir Natl Health & Envir Effects Res Lab (RTP).
	Assoc Dir for Health NHEERL (RTP).
	Associate Director for Ecology NHEERL (RTP).
	Deputy Director for Management.
Western Ecology Division—Corvallis	Dir Western Ecology Division Corvallis.
Gulf Ecology Division—Gulf Breeze	Director, Gulf Ecology Division.
Mid-Continent Ecology Division	Director, Mid-Continent Ecology Division.
National Exposure Research Laboratory (RTP)	Dir Natl Exposure Res Laboratory (RTP).
	Dep Dir for Management NERL (RTP).
	Assoc Dir for Ecology NERL (RTP).
Environmental Sciences Division—Las Vegas	Dir Environmental Sciences Division.
Ecosystems Research Division—Athens	Dir Ecosystems Res Div Athens.
Human Exposure and Atmospheric Science Division	Director, Human Exposure & Atmospheric Science Division.
National Risk Mgmt Research Laboratory (Cincinnati)	Dir Natl Risk Mgmt Lab (CINN).
	Dep Dir for Mgmt NRML (CINN).
	Dep Dir for Mgmt NRML (CINN).
	Assoc Dir for Health NRML (CINN).
	Director, Water Supply & Water Resources Division.
Air Pollution Prevention and Control Division—RTP	Dir Air Pollution Prevention & Control Div.
Subsurface Processes and Systems Division—ADA	Dir Sub-Surface Process & Systems Division.
National Center for Environmental Assessment	Dir Natl Ctr for Environmental Assessment.
National Center for Environmental Assessment	Associate Director for Health, NCEA.
	Associate Director for Ecology NCEA.
	Deputy Director for Management.
National Center for Environmental Assessment—Washington	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—RTP	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—Cincinnati	Dir Natl Ctr for Environmental Assessment.
Natl Center for Environmental Res & Quality Assurance	Deputy Dir for Mgmt (NCERQA).
	Dir Environmental Engineer Research Division.
	Associate Director for Science (NCERQA).
	Dir Natl Ctr for Env Res & Quality Assurance.
Region I—Boston	Regional Counsel.
	Dir Ofc of Ecosystem Protection.
	Dir Ofc of Site Remediation Restoration.
	Dir, Ofc of Administration & Resources Mgmt.
	Dir, Ofc of Strategic Alignment.
	Director, Office of Environmental Stewardship.
Region II—New York	Asst Regl Admr for Policy and Management.
	Regional Counsel.
	Dir, Office of Emergency & Remedial Response.
	Dir, Div of Environmental Plnng & Protection.
	Dir, Div of Enforcement & Compliance Asst.
	Dir, Div of Environmental Science & Assessment.
	Director, Caribbean Environmental Protection Division.
Region III—Philadelphia	Director, Water Management Division.
	Regional Counsel.
	Director, Hazardous Waste Mgmt Div.
	Director, Environmental Services Division.
	Asst Reg Admin for Policy & Management.
	Dir Chesapeake Bay Program Office.
	Director, Air Protection Division.
	Director, Hazardous Site Cleanup Division.
	Director, Waste & Chemical Management Division.
Region IV—Atlanta	Dir Water Management Division.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel.
	Director Waste Management Division.
	Director, Science & Ecosystem Support Div.
	Director, Air, Pesticides and Toxics Management Division.
Region V—Chicago	Director Air Management Division.
	Director Water Management Division.
	Regional Counsel.
	Dir Waste Pesticides & Toxics Division.
	Dir Great Lakes Natl Prog Ofc.
	Director Superfund Division.
	Asst Reg Admr for Resources Management.
Region VI—Dallas	Asst Regional Admr for Management.
	Regional Counsel.
	Director, Compliance A & E Division.
	Dir Superfund Division.
	Dir Water Quality Protection Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir Multimedia Plain & Permitting.
Region VII—Kansas City	Regional Counsel.
	Asst Regional Admin for Policy & Management.
	Dir Superfund Division.
	Dir Air RCRA and Toxics Division.
	Dir Water Wetlands & Pesticides Division.
Region VIII—Denver	Dir Ecosystems Protection & Remediation.
	Dir Ofc of Pollution Prevention State Tribal.
	Dir Ofc of Tech & Mgmt Services.
	Regional Counsel.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel.
	Asst Regional Admr for Policy & Management.
	Dir, Strategic Planning & Emerging Issues.
	Dir Superfund Division.
	Director, Cross Media Division.
Region X—Seattle	Regional Counsel.
	Asst Regl Admr for Policy & Management.
	Asst Reg Admr for Water.
	Director, Office of Ecosystems and Communities.
	Director, Office of Environmental Cleanup.
Equal Employment Opportunity Commission:	
Office of the Chairman	Inspector General.
Office of Field Programs	District Director (Baltimore).
	District Director (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Miami).
	Dist Dir (Indianapolis).
	Dist Dir (Memphis).
	District Director (Los Angeles).
	Dist Dir (Denver).
	Dist Dir (Birmingham).
	Dist Dir (New Orleans).
	Dist Dir (Phoenix).
	District Dir (San Antonio).
	Dist Dir (Charlotte).
	District Director (Seattle).
	District Director (Cleveland).
	Dist Dir (Philadelphia).
	District Director (Milwaukee).
	Program Manager.
Field Management Programs	Director Field Management Programs.
Field Coordination Programs	Director, Field Coordination Programs.
Federal Communications Commission:	
Office of Inspector General	Inspector General.
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Office of Engineering & Technology	Assistant Bureau Chief for Technology.
Compliance and Information Bureau	Chief Enforcement Division.
Common Carrier Bureau	Chief, Competitive Pricing Division.
	Chief Accounting & Audits Division.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
Federal Emergency Management Agency:	
Office of the Director	Chief of Staff.
Office of Financial Management	Chief Financial Officer.
	Deputy Chief Financial Officer.
	Senior Procurement Executive.
Office of Human Resources Management	Director, Ofc of Human Resources Management.
Office of Inspector General	Deputy Inspector General.
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
Mitigation Directorate	Director, Program Support Division.
Response & Recovery Directorate	Div Dir, Human Services Support Division.
	Div Dir, Infrastructure Support Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Director, Division of Accounting Systems.
	Director, Division of Gas and Oil Operations.
	Dir, Div of Planning & Policy Development.
	Chief Accountant and Deputy Director.
Ofc of Hydropower Licensing	Dir Div of Dam Safety & Inspections.
Office of Finance, Accounting & Operations	Director, Regulatory Accounting Policy.
Federal Labor Relations Authority:	
Office of the Chair	Solicitor.
	Chief Counsel.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director.
Ofc of the General Counsel	Deputy General Counsel.
	Director of Operations & Resources Management.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago Illinois.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Secretary	Secretary.
Office of the General Counsel	Dep Gen Cnsl for Reports Opinions & Decisions.
Office of the Executive Director	Dep Managing Dir.
	Deputy Executive Director.
Bureau of Consumer Complaints and Licensing	Prog Mgr (Dir Bur of Tariffs C & L).
	Director, Bureau of Consumer Complaints and Licensing.
Bureau of Administration	Dir, Bureau of Administration.
Bureau of Trade Analysis	Prog Manager (Dir Bur of E & A Analysis).
	Director, Bureau of Trade Analysis.
Bureau of Enforcement	Deputy Director Bureau of Enforcement.
Bureau of Enforcement	Dir Bureau of Enforcement.
Federal Retirement Investment Thrift Board:	
Federal Retirement Thrift Investment Board	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Accounting.
	Director of Communications.
	Associate General Counsel.
	Director of the Office of Benefits & Investments.
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Chief Information Officer.
	Deputy Executive Director.
General Services Administration:	
Office of the Chief People Officer	Director of Human Resources.
	Chief Information Officer.
	Director Human Resources Policy & Operations.
	Deputy Chief Information Officer.
Office of Governmentwide Policy	Deputy Associate Admin for Acquisition Policy.
	Deputy Assoc Administration for Real Property.
	Director of Intergovernmental Solutions.
	Deputy Associate Administrator for Transportation & Personal Property.
Office of Inspector General	Asst Inspector Gen for Auditing.
	Deputy Inspector General.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of the Chief Financial Officer	Director of Finance.
Office of the Chief Financial Officer	Director of Budget.
	Chief Financial Officer.
	Dir of Financial Management Systems.
Public Buildings Service	Assistant Commr for Fed Protective Service.
	Asst Comm for Portfolio Management.
	Assistant Commr for Property Disposal.
	Asst Commissioner for Financial & Info System.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assistant Commissioner for Business Performance.
	Project Management Executive.
Federal Technology Service	Assistant Commissioner for Serv Development.
	Assistant Commissioner for Service Delivery.
	Asst Commr for Info Technology Integration.
	Assistant Commissioner for Regional Services.
	Asst Commissioner for S P & Business Dev.
	Asst Commissioner for Acquisition.
	Assistant Commissioner for Information Security.
	Assistant Commissioner for Sales.
Office of the Chief Information Officer	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
	Assistant Chief Information Officer.
Federal Supply Service	Asst Commissioner for Acquisition.
	Asst Comr for Transportation & Property Mgt.
	Asst Comm for Bus Management & Marketing.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Acquisition.
	FSS Chief Information Officer.
	Ast Comm for Vehicle Acquisition & Leasing Svc.
	Assistant Commissioner for Supply.
	Assistant Commissioner for Enterprise Planning.
New England Region	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Public Blds Service.
Northeast & Caribbean Region	Asst Reg Admr for Federal Supply Service.
	Asst Reg Admr for Federal Supply Service.
Mid-Atlantic Region	Asst Reg Admr for Public Blds Service.
	Asst Regl Admr Federal Supply Service.
	Regional Counsel.
National Capital Region	Assistant Regional Administrator, PBS, NCR.
Southeast Sunbelt Region	Asst Reg Admr for Public Blds Service.
	Assistant Reg Admin for Fed Tech Service.
	Asst Reg Admr for Federal Supply & Services.
	Deputy Assistant Regional Administrator, PBS.
Great Lakes Region	Asst Reg Admr for Public Blds Service.
The Heartland Region	Asst Reg Admr for Public Blds Service.
Greater Southwest Region	Asst Reg Admr for Public Blds Service.
	Asst Regional Admin for Federal Tech Service.
	Asst Reg Admr for Federal Supply Service.
Rocky Mountain Region	Asst Reg Admr for Public Blds Service.
Pacific RIM Region	Asst Regl Admr for Public Buildings Services.
	Asst Reg Admr for Federal Supply Services.
	Senior Advisor.
Northwest/Arctic Region	Asst Regional Administrator, PBS Region 10.
Department of Health and Human Services:	
Department of Health & Human Services	Associate Director for Management and Operations.
ODAS for Budget	Dir Div of Integrity & Organ Review.
ODAS for Finance	Dep Asst Sec. Finance.
	Dir, Office of Financial Policy.
ODAS for Grants & Acquisition Management	Dep Asst Secy, OGAM.
OAS for Planning and Evaluation	Dep to Deputy Asst Secry for Plann & Evaluat.
OAS for Public Health and Science	Dir Div of Research Investigations.
	Dir Ofc of HIV/AIDS Policy.
OAS for Public Health and Science	Dep Dir Ofc of Management.
	Reg Health Administrator.
	Director, Office of Research Integrity.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
	Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General	Dep Asst Inspector General for Audit.
	Principal Dep Inspector General.
	Deputy Inspector General for Mgmt & Policy.
	Deo Inspector General for Legal Affairs.
ODIG for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P & O.
	Dep Insp General for Enforcement & Compliance.
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Insp Gen for Adm of C/F & Agin Audits.
	Asst Inspector Gen for Health Care Fin Audits.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Evaluation & Inspections	Dep Insp Gen for Evaluation & Inspections.
Program Support Center	Dir Program Support Center.
	Dep Dir of Operations.
Office of Financial Management Service	Director, Financial Management Service.
Office of Program Support	Dir Ofc of Financial Management.
Health Care Financing Administration	Director, Ofc of Internal Customer Support.
Office of the Actuary (OACT)	Dir, Ofc of the Actuary (Chief Actuary).
Center for Beneficiary Services (CBS)	Deputy Director, Center for Beneficiary Services (Medicare Contractor Mgmt).
Center for Medicaid and State Operations (CMSO)	Director, Ofc of Medicare & Medicaid Cost Est.
Office of Information Services (OIS)	Director, Office of Information Services (Chief Information Officer).
	Dep Dir Ofc of Info Services.
Office of Financial Management (OFM)	Deputy Director, OFC of Financial Management.
	Dir Ofc of Financing Management.
	Dep Dir Ofc Financial Management.
	Dir Program Integrity Group.
	Dir Financial Services Group.
Office of the Administrator	Assoc Admin for Policy & Prog Coordinator.
Center for Substance Abuse Prevention	Dir, Div of State & Community Systems Dev.
Center for Mental Health Services	Director Center for Mental Health Services.
	Dir Div of State & Community Systems Develop.
Centers for Disease Control & Prevention	Director, Financial Management Office.
	Director, Office of Facilities Planning and Management.
Natl Institute for Occupational Safety & Health	Assoc Director for Management & Operations.
National Center for Chronic Disease Prevention & Hlth Promotion	Director, Office on Smoking and Health.
Office of the Commissioner	Senior Advisor for Science.
Office of the Chief Counsel	Deputy Chief Counsel for Program Review.
Office of Management and Systems	Director, Office of Financial Mgmt.
Office of Regulatory Affairs	Assoc Comr for Regulatory Affairs.
	Dep Assoc Comr for Regulatory Affairs.
	Regl Food & Drug Director, NE Region.
	Regl Food & Drug Director MID-Atlantic Region.
	Regl Food & Drug Director, Southeast Region.
	Regl Food & Drug Director, Southwest Region.
	Regl Food & Drug Director, Pacific Region.
	Dir Ofc of Criminal Investigations.
	Regional Food and Drug Director, Central Region.
	Special Advisor.
Center for Biologics Evaluation and Research	Dir, Div of Biostatistics & Epidemiology.
	Dir Ofc of Therapeutics Research & Review.
Center for Biologics Evaluation and Research	Dir Ofc of Blood Research & Review.
	Director, Office of Compliance and Biologics Quality.
	Special Advisor.
Center for Drug Evaluation and Research	Dir, Center for Drug Evaluation & Research.
	Director, Office of Management.
	Assoc Dir for Med Pol Dir Ofc of Drug Eval I.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Medical Imaging S & D Products.
	Director, Office of Generic Drugs.
	Associate Director for Drug Monograph.
	Dir, Office of Epidemiology & Biostatistics.
	Dep Dir, Ofc of Epidemiology & Biostatistics.
	Director, Office of Compliance.
	Dir, Div of Scientific Investigations.
	Director, Division of Biopharmacentics.
	Dep Ctr for Pharmaceutical Science.
	Senior Advisor for Policy.
	Deputy for Scientific & Medical Affairs.
	Dir Ofc of Drug Evaluation V.
	Director, Office of Compliance.
Center for Devices and Radiological Health	Dir, Division of Cardiovascular Devices.
	Dir, Div of General & Restorative Devices.
	Dir Office of Compliance.
	Dir, Office of Science and Technology.
	Dir Div of Reproductive Abdominal Ear Throat.
	Dir Ofc of Sys & Management.
Center for Food Safety and Applied Nutrition	Director, Office of Seafood.
	Dir Ofc of Premarket Approval.
	Dir Ofc of Field Programs.
	Dir, Ofc of Plant & Dairy Foods & Beverages.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director, Office of Food Labeling.
	Dir, Ofc of Pol, P & S Initiatives.
Center for Veterinary Medicine	Director, Office of Science.
	Director, Office of Surveillance.
	Dir, Ofc of New Animal Drug Evaluation.
National Center for Toxicological Research	Director, Div of Biometry.
Health Resources & Services Administration	Director, Office of Special Programs.
	Director, Office of Science and Epidemiology.
HIV/AIDS Bureau	Dep Dir, Bureau of Health Resources Div.
Office of the Director	Director, Div of Financial Management.
	Director, Division of Contracts & Grants.
	Associate Director for Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, OFC of Medical Applications of Research.
	Associate Director for Administration.
	Director, Office of Policy for Extramural Research Administration.
	Senior Advisor for Policy.
	Director, Office of Reports and Analysis.
Natl Heart, Lung, & Blood Institute	Dir Div of Heart & Vascular Diseases.
	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases & Resources.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
	Dir OFC of Biostatics Research.
	Dep Dir Div of Heart Vascular Diseases.
	Dep Dir Div of Epidem & Clinical Application.
	Director, Epidemiology and Biometry Program.
	Director, National Center for Sleep Disorders.
Intramural Research	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.
	Chief Macromolecules Section.
	Chf, Intermediary M & B Section.
	Chf, Lab of Kidney & Electrolyte Metabolism.
	Chief, Lab of Cardiac Energetics.
	Chief, Metabolic Regulation Section.
National Cancer Institute	Assoc Dir for Intramural Management.
	Assoc Director for Extramural Management.
	Associate Director, Cancer Diagnosis Program.
National Cancer Institute	Assistant Director for Financial Management.
	Associate Director, Referral Review and Prog. Coordination.
	Deputy Director for Administrative Operations.
Division of Cancer Biology, Diagnosis and Centers	Chf, Microbial G & B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Dep Dir, Div of Cancer Biology Diag & Centers.
	Chief Dermatology BR, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.
	Chief, Lab of Tumor & Biol Immunology, IRP.
	Dir, Div of Cancer Biology Diagnosis & Ctrs.
	Assoc Dir, Ctrs Training & Resources Prog.
Division of Cancer Etiology	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
	Dir, Div of Cancer Etiology.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control.
	Associate Dir, Surveillance Program, DCPC.
	Assoc Dir, Early D & C Oncology Program.
Ddivision of Extramural Activities	Dir, Div of Extramural Activities.
	Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf—Radiation Onoclogy BR.
	Assoc Dir, Cancer Therapy Evaluation Program.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir Div Kidney Urologic & Hematlogic Diseases.
	Dir Division of Extramural Activities.
	Chf, Lab of Molecular & Cellular Biology.
	Dep Dir for Management & Operations.
Intramural Research	Chief Section on Biolchemical Mechanisms.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chief, Section on Molecular Structure.
	Chief Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Intramural Research	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry & Metabolism.
	Clinical Dir & Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.
	Chief, Laboratory of Neuroscience, NIDDK.
	Chf, Laboratory of Medicinal Chemistry.
	Chief, Morphogenesis Section.
Natl Inst of Arthr & Musculoskeletal & Skin Diseases	Director, Extramural Program.
	Deputy Dir.
	Associate Director for Management and Operations.
National Library of Medicine	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir for Extramural Programs.
	Director, Lister Hill National Center for Biomedical Commun.
	Dep Dir Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir Natl Ctr for Biotech Info.
	Assoc Dir for Health & Info Prog Development.
	Associate Director for Administrative Management.
Natl Inst of Allergy & Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantatn.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Dir, Div Acquired Immunideficiency Syndrome.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Dep Dir Div of Acquired Immunodeficiency.
	Head Epidemiology Section.
	Chief, Laboratory of Malaria Research.
	Dir Div of Intramural Research.
	Dep Chief Lab of Imm & Head Lymp Biol Section.
Natl Inst on Aging	Scientific Director Gerontology Rsch Cntr.
	Clin Director and Chief Clin Physiology Br.
	Associate Dir for Behavioral Sciences Res.
	Assoc Dir Biology of Aging Program.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, & Biometry Program.
	Assoc Dir, Ofc of Plnng, A & I Activities.
	Assoc Dir Neurosci & Neuropsych of Aging Prog.
	Associate Director for Administration.
Natl Inst of Child Health & Human Development	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology & Reproduction Research Br.
	Director Ctr Forres for Mothers & Children.
	Director Cntr for Population Research.
	Chief, Section on Growth Factors.
	Assoc Dir for Prevention Research.
	Chief Laboratory of Mamalian Genes & Develop.
	Chief, Section on Molecular Endocrinology.
	Chief Section Neuroendocrinology.
	Chief Section on Microbial Genetics.
	Chief, Laboratory of Comparative Ethology.
	Associate Director for Administration.
	Dir, Natl Center for Medical Rehab Research.
National Institute of Dental and Craniofacial Research	Chief, Laboratory of Immunology.
	Dir, Extramural Program.
	Associate Director for International Health.
	Associate Director for Management.
Natl Inst of Environmental Health Sciences	Chf Lab of Pulmonary Pathobiology.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Senior Scientific Advisor.
	Associate Director for Management.
	Chief Lab of Molecular Carcinogenesis.
	Dir Natl Inst of Environmental Health Science.
	Dir Environmental Toxicology Program.
Natl Inst of General Medical Sciences	Dir Genetics Program.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Associate Director for Extramural Activities.
	Director, Division of Pharamcology, Physiology, and Biological Chemistry.
	Dir Bio Phys Sciences Program Branch.
	Dep Dir Natl Institute of General Med Sci.
	Dir, Minority Opportunities in Res Prog Br.
	Associate Director for Administration and Operations.
Natl Inst of Neurological Disorders and Stroke	Dir, Div of Fundamental Neurosciences.
	Associate Director for Administration.
	Dir, Basic Neurosci Prog/Chf/Lab of Neurochem.
	Chf, Lab of Molecular & Cellular Neurobiology.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf, Dev & Metabolic Neurology Branch.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Chief, Neuroimaging Branch.
	Chief, Laboratory of Neurobiology.
	Chief, Laboratory of Neura Control.
	Chief Brain Structural Platicity Section.
	Chief Stroke Branch.
Natl Eye Institute	Chief Laboratory of Retinal Cell & Mol Biolog.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
Natl Inst on Deafness & Other Communication Disorders	Director, Division of Human Communication.
	Chief, Laboratory of Cellular Biology.
	Associate Director for Administration.
	Director, Division of Extramural Research.
NIH Clinical Center	Associate Director for Planning.
	Assoc Chf, Position Emission T & R.
	Deputy Director for Management and Operations.
	Chief Financial Officer.
	Chief Operating Officer.
Center for Information Technology	Chief, Computer Center Branch
	Deputy Director.
	Assoc Dir Ofc of Computing Resources Services.
John E Fogarty Intl Center	Assoc Dir for Int'l Advanced Studies.
National Center for Research Resources	Dir, Natl Center for Research Resources.
	Dir, Gen Clinical Res Ctr for Res Resources.
	Dep Dir, Natl Center for Research Resources.
	Associate Director for Biomedical Technology.
	Associate Director for Comparative Medicine.
	Associate Director for Research Infrastructure.
Center for Scientific Review	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
	Director, Division of Molecular and Cellular Mechanism.
	Director, Division of Physiological Systems.
	Director, Division of Clinical & Population-Based Studies.
National Institute of Nursing Research	Director National Cntr for Nursing Research.
	Deputy Director/Director, Division of Extramural Activities.
National Human Genome Research Institute	Deputy Director.
	Dir Div of Intramural Res Natl Ctr H G R.
	Chief Diag Devel Br Natl Ctr Human Gen Res.
	Chf, Lab of Genetic Dis Res Natl Ctr for HGR.
	Associate Director for Management.
National Institute on Drug Abuse	Assoc Dir for Planning & Resources Management.
	Dir, Office of Extramural Program Review.
	Director Division of Clinical Research.
	Dir, Medications Development Division.
	Chief, Neuroscience Research Branch.
	Associate Director for Clinical Neuroscience & Medical Affs, Division of Treatment Research & Development.
National Institute of Mental Health	Dep Dir, National Institute of Mental Health.
	Associate Director for Special Populations.
	Associate Director for Prevention.
	Exec Ofcr, Natl Institute of Mental Health.
	Dir, Ofc of Legislative Analysis & Coord.
	Dir, Div of Neuroscience & Behavioral Sci.
	Chief, Neuropsychiatry Branch.
	Chief, Child Psychiatry Branch.
	Chief, Biological Psychiatry Branch.
	Chief, Laboratory of Clinical Science.
	Chief, Section on Histopharmacology.
	Director, Office on Aids.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Chief, Section on Clinical and Experimental Neuropsychology.
	Director, Division of Mental Disorders, Behavioral Research and Aids.
	Director, Division of Services and Intervention Research.
	Chief, Section on Cognitive Neuroscience.
National Institute on Alcohol Abuse & Alcoholism	Dir, Natl Institute on Alcohol A & A.
	Director, Division of Basic Research.
	Associate Director for Administration.
Agency for Healthcare Research and Quality	Dir Ctr for Outcomes & Effectiveness Research.
	Executive Officer.
Department of Housing and Urban Development:	Director, Office of Research Review, Education, and Policy.
Office of the General Counsel	Assoc Gen Coun for Program Enforcement.
Office of the Inspector General	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Deputy Inspector General.
	Asst Inspector General for Management & Policy.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst Inspector Gen for Audit.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
Office of the Chief Financial Officer	Assistant Chief Financial Officer for Budget.
	Assoc Dep Chief Financial Officer for Account.
	Dep Chief Financial Officer for Accounting.
	Dep Chief Financial Officer for Finance.
	Deputy Chief Financial Officer.
	Assistant Chief Financial Officer for Financial Management.
	Assistant Chief Financial Officer for Accounting.
Office of the Chief Procurement Officer	Director, Office of Procurement & Contracts.
	Senior Advisor for Procurement Planning and Program Liaison.
Departmental Enforcement Center	Chief Counsel.
	Deputy Director, Departmental Enforcement Center.
	Associate Director, Departmental Enforcement Center.
Departmental Real Estate Assessment Center	Deputy Director for Finance.
	Comptroller, Real Estate Assessment Center.
	Director, Real Estate Assessment Center.
Assistant Secretary for Administration	Deputy Director, Office of Human Resources.
	Special Advisor/Comptroller.
	Director, Grants Management Center.
Office of the Chief Information Officer	Information Technology Advisor.
	Deputy Chief Information Officer for it Reform.
Assistant Secy for Housing	Director Office of Financial Services.
	Dir Ofc of Multifamily Asset Management Dispo.
	Housing Fed Housing Adm Comptroller.
	Dir of Multifamily Housing Development.
	Housing—FHA Deputy Comptroller.
	Program Systems Project Officer.
	Director, Office of Asset Management.
	Director, Office of Program Systems Management.
Assistant Secretary for Fair Housing and Equal Opportunity	Director, Office of Investigations.
	Dir, Ofc of Fair Housing I & V Programs.
	Director, Office of Enforcement.
Office of Departmental Equal Employment Opportunity	Dep Dir Ofc of Equal Employment Opportunity.
	Dir, Ofc of Departmental Equal Employ Opport.
Assistant Secretary for Community Planning and Development	Director, Office of Economic Development.
	Director, Ofc of Community Viability.
	Comptroller.
	Deputy Assistant Secretary for Special Needs Programs.
Government National Mortgage Association	Vice President for Finance.
	Vice President, Ofc of Pol, P & R Management.
	Vice President Ofc of Customer Service.
	Vice President Office of Multifamily Programs.
	Vice President, Office of Program Administration.
	Vice President, Office of Multifamily Programs.
	Vice President, Office of Customer Service.
Assistant Secretary for Public and Indian Housing	Gen Dep Asst Secy for Public & Indian Housing.
	Public & Indian Housing-Comptroller.
	Dep Asst Secry for Public & Asst Housing Oper.
	Deputy Public & Indian Housing Comptroller.
	Dir, Ofc of Public Housing Partnership.
	Deputy Asst Sec'y, Office of Troubled Agency Recovery.
Department of the Interior:	
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of the Solicitor	Assistant Inspector General for Management and Policy.
	Assistant Inspector General for Strategic Initiatives.
	Assistant Inspector General for Program Integrity.
	General Counsel.
	Deputy Asst Inspector General for Audits.
	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Deputy Associate Solicitor—Mineral Resources.
	Associate Solicitor for Administration.
	Dep Assoc Solicitor Land & Water Resources.
	Dep Associate Solicitor—Indian Affairs.
Assistant Secretary—Policy, Management and Budget	Asst Dir for Economics.
	Manager, Science and Engineering.
	Natural Resoruce Damage Assessment Prog Mgr.
	Designated Agency Ethics Official.
	Deputy Asst Secretary Budget & Finance.
	Dir, Ofc of Fin Mgmt & Dep Chf Fin Officer.
	Chief Div of Budget & Program Review.
	Deputy Agency Ethics Staff Officer.
Assistant Secretary—Fish and Wildlife and Parks	Director for Everglades Restoration.
National Park Service	Park Manager—Grand Canyon.
Field Offices	Park Manager—Yosemite (Superintendent).
	Park Manager—Everglades.
	Park Manager—Yellowstone (Superintendent).
	Asst Dir, Design & Construction (Mgr, DSC).
	Park Manager—Independence Natl Historic Park.
Field Offices	Executive Dir Regional Ecosystem Office.
Field Offices	Research Director.
Directors Office	Director, Technical Services Center.
	Spec Asst to the Dir, Reclamation Serv Center.
	Director, Management Services Office.
	Geographic Information Officer.
	Deputy Director, U.S. Geological Survey.
	Regional Director, Eastern Region.
	Regional Director, Western Region.
	Physical Scientist.
	Chief, Office of Administrative Policy and Services.
National Mapping Division	Associate Director for Geography.
	Associate Director for Geography.
	Assoc Chief Programs & Finances.
	Associate Division Chief for Operations.
Field Offices	Chief, EROS Data Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Chief Mapping Applications.
	Regional Geographer, Eastern Region.
Water Resources Division	Associate Division Chief for Water.
	Associate Chief Hydrologist for Program Operations.
	Asst Chief Hydrologist for Water Information.
	Assistant Chief Hydrologist for Research.
	Chief, National Water Data Exchange Program.
Field Offices	Regional Hydrologist Central Region.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
Geologic Division	Associate Director for Geology.
	Assoc Chief Geologist for Program Operations.
	Associate Chief Geologist for Science.
	Regional Geologist Western Region.
	Regional Geologist, Eastern Region.
Biological Resources Division	Asst Dir. Budget and Administration.
	Associate Chief Biologist for Operations.
	Associate Chief Biologist for Information.
Field Offices	Regional Chief Biologist, Eastern Region.
Bureau of Land Management	Director National IRM/Center.
Field Offices	Regional Director.
	Regional Director.
	Regional Director.
Minerals Management Service	Associate Dir for Policy and Mgmt Improvement.
	Special Assistant to the Director.
Field Offices	Regional Director, Gulf of Mexico OCS Region.
	Asst Program Director for Offshore Compliance & Asset Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Asst Prog Director for Onshore Compliance & Asset Management.
	Regional Director, Alaska OCS Region.
	Regional Director, Pacific OCS Region.
	Dir Program Reengineering Office.
	Deputy Assoc Dir for Royalty Mgmt.
Assistant Secretary—Indian Affairs	Chief Financial Officer.
Bureau of Indian Affairs	Deputy Director, Office of Indian Education Programs.
Office of Hearings and Appeals	Dir, Ofc of Hearings & Appeals.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Ofc of the Legal Counsel	Special Counsel.
	Special Counsel.
Office of the Inspector General	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	Deputy Inspector General.
	General Counsel.
	Dir, Special Investigational Review.
Office of the Deputy Attorney General	Director, Office of Legal Education.
	Director, Professional Responsibility Advisory Office.
	Correctional Prog Ofcr/Sr Dep Asst Dir Prd.
	Correctional Prog Ofcr. Sr Dep Asst Dir Prd.
Justice Management Division	Asst Attorney General for Administration.
	Deputy Asst Attorney General.
	Dir, Security & Emergency Planng Staff.
	Dep Asst Attorney Gen Human Res/Admin.
	Dir Library Staff
	Dir, Facilities and Administrative Svc Staff.
	Dir Telecommunications Services Staff.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senator Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir Procurement Services Staff.
	Dir, Systems Technology Staff.
	General Counsel.
	Dir, Equal Employment Opportunity Staff.
	Senior Counsel.
	Director, Department Ethics Office.
	Deputy Director, Budget Staff.
	Director, Systems Engineering and Development Staff.
Office of the Controller	Dir Finance Staff.
	Dep Asst Attorney General; Controller.
	Director, Debt Collection Management Staff.
	Asst Dir, Management & Planning Staff.
Office of Human Resources and Administration	Director Personnel Staff.
	Director, Ofc of Atty Pers Mgmt.
Office of Info & Admin Services	Director, Computer Services Staff.
	Director, Information Mgmt & Security Staff.
Executive Office for U.S. Trustees	Executive Officer.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chairman, Board of Immigration Appeals.
	General Counsel.
	Attorney-Examiner (Immigration).
	Chief Admin Hearing Officer.
Antitrust Division	Senior Litigator.
	Executive Officer.
	Chief Computers and Finance Section.
	Senior Litigator.
	Senior Litigator, Atlanta Field Office.
	Deputy Chief, Litigation II Section.
Office of Litigation	Dep Dir of Operations.
	Chief, Competition Policy Section.
Civil Division	Director of Management Programs.
	Deputy Director, Commercial Litigation Branch.
	Appellate Litigation Counsel.
	Deputy Director, Tobacco Litigation Team.
	Deputy Director, Appellate Staff.
Commercial Litigation Branch	Spec Litigation Counsel (Foreign Litigation).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Spec Litigation Coun, C/L Branch.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Dir Civil Frauds.
	Deputy Branch Director.
Federal Programs Branch	Special Litigation Counsel (Federal Programs).
	Deputy Branch Director.
Torts Branch	Spec Litigation Counsel.
	Spec Litigation Counsel.
	Deputy Branch Director.
	Deputy Branch Director.
	Deputy Branch Director.
	Director Office of Consumer Litigation.
Civil Rights Division	Special Litigation Counsel.
	Executive Officer.
Environment and Natural Resources Division	Executive Officer.
Office of Environmental Resources	Senior Litigation Coun Attorney-Examiner.
	Dep Chf, Environmental Enforcement Section.
	Principal Deputy Chief Environ Enforce Sec.
Tax Division	Chief Civil Trail Section Southwestern Region.
	Executive Officer.
Deputy Assistant Attorney General-I	Special Litigation Counsel.
	Sr Trial Attorney.
	Special Litigation Counsel.
	Spec Litigation Counsel.
Immigration and Naturalization Services	Asst Commissioner for Detention & Deportation.
	Asst Commissioner for Adjudication & Natural.
	Assistant Commissioner for Border Patrol.
	Director of Internal Audit.
	Director of Security.
	Asst Comr, Budget.
	Regional Director Central Region.
	Asst Commissioner Administration.
	District Director.
	Chief Patrol Agent.
	District Dir, Western Reg, Pheonix District.
	Deputy General Counsel.
	Chief Patrol Agent, El Paso, TX.
	Deputy Executive Associate Commissioner for Detention and Removals.
	Associate Commissioner, Field Services Operations.
Associate Commissioner for Information Systems	Deputy Associate Commissioner for Information Resources Management.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
	Assistant Deputy Executive Associate Commissioner, Field Operations.
Executive Associate Commissioner for Management	Assistant Comr, Human Resources & Development.
	Assistant Commissioner for Records.
Regional Offices—INS	District Director, Newark District.
	District Director, Newark District.
	Chief Patrol Agent, McAllen, TX.
	Chief Patrol Agent, Tucson, AZ.
	Regional Counsel, Western Region.
Ofc of the Associate Attorney General	Executive Officer (Principal Assoc Director).
	Deputy DIrector for Support Services.
Executive Ofc for U.S. Attorneys	Dir Ofc of Mgmt Information Systems Support.
	Dir, Office of Administration & Review.
	Dep Dir for Operations.
	Deputy Director, Financial Management Staff.
Criminal Division	Senior Counsel to the Assistant Attorney General.
	Deputy Chief, Fraud Section.
	Dir Ofc of Asset Forfeiture.
	Senior Appellate Counsel.
	Senior Counsel.
	Executive Officer.
	Dir Intl Criminal Invest Train Asst Program.
	Chief, General Litigation & Legal Advice Sect.
	Senior Counsel for Natl Security Matters.
	Dep Chief Terrorism & Violent Crime Section.
	Chf of International Training & Dev Programs.
	Senior Counsel to the Assistant Attorney General.
	Principal Deputy Chief, Narcotic and Dangerous Drug Section.
	Director, Office of Overseas Prosecutorial Development, Assistance, and Training.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Ofc of Senior Counsels	Sr Counsel for Litigation.
Ofc of Deputy Asst Attorney General I	Counsel to the Office Fraud Section.
Ofc of Deputy Asst Attorney General II	Chf Public Integrity Section.
	Deputy Chief Public Integrity Section.
Federal Bureau of Prisons	Assistant Director for Administration.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, UNICOR.
	Dep Assoc Commr Fed Prison Industries.
	(Warden) Ft Worth, Texas.
	(Warden) Marianna, FL.
	Asst Director for Human Res Mgmt.
	(Warden) Miami, FL.
	Senior Deputy Asst Dir Health Services Div.
	Regional Director Mid Atlantic Division.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol, & Public Afrs Div.
	Gen Counsel, Fed Prison Industries (UNICOR).
	(Warden) Allenwood, Pennsylvania.
	Sr Mgt Counsel, (Federal Bureau of Prisons).
	(Warden) Fort Dix, NJ.
	(Warden) FCC, Floren, CO.
	Correctional Inst Admr (ARD) SCR, Dallas, TX.
	Corrl Inst Admr (SDAD), CC & D Div, Wash, DC.
	(Warden) USP, Florence, CO.
	CIA (Warden) Fed Medical Center, Carswell, TX.
	CIA (Warden) U.S. Penitentiary, Allenwood, PA.
	(Warden) FTC, Oklahoma, OK.
	Senior Dep Asst Dir (Administration).
	CIA (Warden) Frd Cortl Inst/El Reno, OK.
	CIA (Warden) Fed Medical Center/Miami, FL.
	Correctional Prog Offcr/Sr Dep Regl Dir.
	Correctional Inst Admr (Warden) FCI.
	Correctional Program Officer.
	Correctional Prog Officer (WFCI, Estill, SC).
	Correctional Prog Officer (Warden Fed CI, SC).
	Correctional Institution Admin (W, FMC, FTD, MA).
	Correctional Institution Administration.
	Correctional Institution Admr (Warden).
	Correction Institution Administration (Warden, U.S. Penitentiary, Beaumont, TX).
	Correctional Program Officer (Assistant Director).
	Deputy Assistant Director.
	Correctional Program Officer.
	Warden.
	Correctional Institution Administration (Warden).
	Correctional Institution Administration (Warden).
	Correction Program Officer (Sr. Deputy Assistant Director).
	Budget Officer.
	Warden.
	Warden.
	Warden, USP.
	Warden, FCI.
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director, Northeast Region.
	Warden, Lewisburg, PA.
	Warden, McKean, PA.
	(Warden), Oakdale, LA.
	Correctional Institution Admr (Warden).
	Warden.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
Southeast Region	Regional Director, Southeast Region.
	Warden Atlanta.
	Warden, Lexington, Kentucky.
	Warden, Butner, North Carolina.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
North Central Region	Regional Director, North Central Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Warden, Leavenworth, KS.
	Warden, Springfield, MO.
	Warden, Marion, IL.
	Warden, Terre Haute, IN.
	Correctional Institution Admr.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
South Central Region	Regional Director, South Central Region.
	Warden, El Reno, OK.
	Correctional Institution Administrator (Warden).
Western Region	Regional Director, Western Region.
	Warden, Lompoc, CA.
	Warden, Phoenix, AZ.
	Warden, Federal Correctional Institution.
	Correctional Institution Admr (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
Ofc of Justice Programs	Director of Administration.
	Dep Director, National Institute of Justice.
	General Counsel.
	Director, Corrections Program Office.
	Comptroller.
	Budget Officer.
	Deputy Director, Office for Victims of Crime (Policy and International Programs)
	Director, Drug Courts Program Office.
	Assistant Director, Office of Administration.
Ofc of Juvenile Justice and Delinquency Prevention	Deputy Administrator, Office Discretionary Grants.
Bureau of Justice Statistics	Supervisory Statistician.
U.S. Marshals Service	Assistant Director for Human Resources.
	Assoc Director for Operational Support.
	Senior Management Advisor.
	Assistant Director for Prisoner Services.
	Assistant Director for Business Services.
	Associate Director for Mgmt and Budget.
	Assistant Director for Executive Service.
	Assistant Director for Investigative Servs.
	Assistant Director for Judical Security.
	Asst Director for Organizational Development.
	Assistant Director for Training.
	Assistant Director, Justice Prisoner and Alien Transportation System.
Community Oriented Policing Services	Deputy Director, Office of Community Policing Development.
Department of Labor:	
Office of the Secretary	Deputy Assistant Secretary for Information Technology.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Asst Inspector Gen for Labor Racketeering.
	Asst Inspector Gen for Mgmt & Counsel.
	Asst Inspector Gen/Analysis Complaints/Eval.
	Assistant Inspector General for Analysis, Complaints and Evaluations.
Bureau of International Labor Affairs	Director of Participant Assistance and Communications.
Office of the Solicitor	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Regional Solicitor—Chicago.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for for Fair Labor Standards.
	Regional Solicitor—Atlanta.
	Assoc Solicitor for Employee Benefits.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
	Deputy Solicitor (Regional Operations).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Associate Solicitor for Black Lung Benefits.
Office of Chief Financial Officer.	Deputy Chief Financial Officer.
OAS for Administration and Management	Deputy Asst. Secretary for Administration and Management.
	Director of Human Resources.
	Director of Information Technology.
	Director Office of Budget.
	Director Business Operations Center.
	Director of Civil Rights.
	Director, Management Systems Development and Innovation.
	Director of Safety and Health.
	Deputy Assistant Secretary for Administration and Management.
	Director of Information Technology Operations.
	Deputy Assistant Secretary for Budget and Strategic and Performance Planning.
	Deputy Assistant Secretary for Operations.
	Deputy Director of Budget.
Employment Standards Administration	Dir Ofc of Mgmt., Administration and Planning.
Office of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Policy Planning & Review.
	Dep Wage & Hour Admin.
	Dep Natl Ofc Program Administrator.
	Deputy Wage and Hour Administrator (Operations).
	Principal Deputy Wage & Hour Administrator.
Office of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension and Welfare Benefits Administration	Dir of Regulations & Interpretations.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
	Senior Policy Advisor.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Kansas City.
	Regional Director—San Francisco.
	Dir of Enforcement.
	Deputy Assistant Secy for Budget.
	Dir of Program Devel for Human Resources.
	Dir Div of Agency Programs.
	Director of Health Plan Standards Compliance and Assistance.
	Director of Information Management.
Bureau of Labor Statistics	Associate Commissioner for Field Operations.
	Associate Commissioner for Administration.
	Assoc Commissioner for Employment Projections.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Deputy Commissioner.
	Assoc Commissioner/Survey Methods Research.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Indust Prices & Price Indexes.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Commissioner for Current Employ Analysis.
	Associate Comr for Technology & Survey Processing.
	Asst Comr Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
	Asst Comm for International Prices.
	Assoc Commr for Publications & Spec Studies.
	Asst Commr for Consumer Prices/Price Indexes.
	Asst Commr for Fedl/State Coop Stat Programs.
Employment and Training Administration	Admr. Ofc of Financial & Administrative Mgmt.
	Director, Office of Income Support.
	Director, Office of Career Transition Assistance.
Occupational Safety & Health Administration	Director, Technical Support.
	Director Safety Standards Programs.
	Director, Federal/State Operations.
	Dir Health Standards Programs.
	Dir, Adm Progs.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director of Prog Evaluation & Info Resources.
Data Analysis	Asst Commr for Industrial Prices & Price Indexes.
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Comm for Survey Methods Research.
Administrative and Internal Operations	Dir Quality & Info Management.
Office of Financial & Administrative Management	Comptroller.
Merit Systems Protection Board:	
Office of the Board, Chairman	Deputy General Counsel.
Office of Planning & Resource Management Services	Director, Office of Administration.
Office of the Clerk of the Board	Clerk of the Board.
Office of Financial and Administrative Management	Director, Financial and Administrative Management.
Office of Policy and Evaluation	Director, Office of Policy & Evaluation.
Office of Information Resources Management	Director, Information Resources Management.
Office of Regional Operations	Director, Office of Regional Operations.
Atlanta Regional Office	Regional Director, Atlanta.
Central Region, Chicago Regional Office	Regional Director, Chicago.
Northeast Region, Philadelphia Regional Office	Regional Director, Philadelphia.
Western Region, San Francisco Regional Office	Regional Director, San Francisco.
Washington, DC Region, Washington Regional Office	Regional Director, Washington, DC.
National Aeronautics and Space Administration:	
National Aeronautics and Space Administration	Manager, Earth Sciences Department.
	Chief Financial Officer (Financial Manager).
	Manager, International Technology Transfer Policy.
	Senior Program Executive, Advanced Technology Program Management.
	Senior Systems Engineer.
	Associate Director for Planning.
Office of the Chief Financial Officer/Comptroller	Deputy Chief Financial Officer.
	Director, Financial Management Division.
	Director, Resources Analysis Division.
	Deputy Dir, Financial Management Division.
Office of Headquarters Operations	Chief, Information Syst & Technol Office.
	Director Headquarters Acquisition Division.
Office of Equal Opportunity Programs	Director, Discrimination Complaints Division.
	Director, Multicultural Prog & Support Div.
Office of Human Resources & Education	Associate Administrator for Human Resources.
	Director, Education Division.
	Director, Personnel Division.
	Director, Management Systems Division.
	Dep Assoc Adm for Human Res & Education.
	Special Asst to the Associate Admr.
Office of Procurement	Asst Admr for Procurement.
	Director, Program Operations Division.
	Director, Contract Management Division.
	Dep Assistant Administrator for Procurement.
	Dir Contract Management Division.
	Director Analysis Division.
Office of External Relations	Dep Assoc Admin for External Relationships.
Defense Affairs	Director, Space Flight Division.
Policy Coordination	Manager, International Technol Transfer Pol.
Office of Management Systems & Facilities	Special Assistant to the Assoc Administrator.
	Director, for Systems Engineering.
Environmental Management	Dir Environmental Management Division.
Security, Logistics & Industrial Relations	Dir, Logistics & Security Division.
Aircraft Management	Director, Aircraft Management Office.
Information Resources Management	Director, Information Resources Mgmt Division.
Facilities Engineering	Deputy Director, Facilities Engineering Div.
	Dir Environmental Management Division.
	Director, Facilities Engineering Division.
Office of Small & Disadvantaged Business Utilization	Assoc Admr for S & D Business Utilization.
Office of Legislative Affairs	Dep Assoc Admin.
	Dep Assoc Admin for Programs.
Office of Space Flight	Spec Asst to Dep Assoc Adm for Space Shuttle.
	Director, Advanced Project Office.
	Senior NASA Representative.
	Dep Assoc Administrator for Space Flight Dev.
	Deputy Assoc Admr for Space Communications.
Institutions	Deputy Associate Admr for Business Mgmt.
	Techn Asst to the Dep Assoc Adm for Bus Mgmt.
Chief Engineer	Tech Asst to the Chief Engineer.
	Deputy Chief.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Senior Engineer.
Mission Director	Asst Mission Dir Mir.
Space Flight Operations	Manager Space Shuttle Syst Integration.
	Mgr, Natl Space Trans Syst Integration & Ops.
	Manager, Safety & Obsolescence.
Space Flight Development	Manager Strategic Utilization & Ops Office.
	Deputy Director, Space Station Program.
	Senior Engineer Space Station Program.
Johnson Space Center	Chief Financial Officer.
	Director of Human Resources.
	Dir of Tech Transfer & Commercialization.
	Chief Information Officer.
	Deputy Chief Information Office.
	Associate Director (Technical).
	Assistant Director, Space Operations.
	Manager Advanced Communications Operations.
	Technical Assistant for External Reviews.
	Associate Director (Management).
	Assistant Director for University Research and Affairs.
	Manager EVA Project Office.
	Director, Public Affairs Office.
	Manager for International Operations.
	Chief Engineer.
Space Operations Office	Manager, Space Operation Mgmt Office.
	Manager, Space Ops Engineering Office.
	Director, Space Operations Office.
	Deputy Dir, Space Operations Office.
	Director Space Operations.
	Space Operations Commercialization Manager.
Space Station Program Office	Space Station Vehicle Manager.
	Director, Management Operations.
	Deputy Space Station Vehicle Manager.
	Manager International Partners Office.
	Tech Asst to the Mgr, Space Station Program.
	Dep Program Manager for Business Management.
	Deputy Program Mgr for Technical Development.
	Manager, Research Programs.
	Manager, Space Station Payloads Office.
	Space Station Program Manager.
Space Shuttle Program Office	Mgr, Space Shuttle Vehicle Engineer Ofc.
	Manager, Shuttle Projects Office (MSFC).
	Mgr, Launch Integration (KSC).
	Mgr, Space Shuttle Business Office.
	Asst Mgr, Space Shuttle Prog Space Flight o/c.
	Asst Manager Space Shuttle Program.
	Manager for Space Shuttle Program Development.
	Manager, Space Shuttle Program Integration.
Mission Operations	Director, Mission Operations.
	Chief Flight Director Office.
	Deputy Director, Mission Operations.
	Asst Dir for Operations.
	Chief Engineer, Mission Operations Directorate.
	Chief Flight Director Office.
Flight Crew Operations	Chief, Aircraft Operations Division.
	Dep Dir, Flight Crew Operations.
	Asst Chief, Aircraft Operations Division.
Engineering	Chief Structures and Mechanics Division.
	Chief, Crew & Thermal Systems Division.
	Deputy Director, Engineering.
	Chief, Automation, R&S Division.
	Director, Engineering.
	Chief Engineer Space Station Program.
	Chief Avionic Systems Division.
	Assistant to the Director, Engineering.
	Deputy Chief, Avionic Systems Division.
	Chief, Aeroscience & Flight Mechanics Div.
	Manager, Advanced Development Office.
	Deputy Mgr, Advanced Development Office.
	Asst Mgr, Advanced Development Office.
	Deputy Manager for Exploration.
	Chief Energy Systems Division.
	Chief Manufacturing Materials, & Process Tech Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director of Engineering for Flight.
Space & Life Sciences	Chief, Medical Sciences Division.
	Assistant Director for Engineering.
	Assistant to the Director for Russian Progs.
	Chief, Flight Crew Support Division.
	Associate Director, Space & Life Sciences.
	Manager Science Payloads Management Office.
	Chief, Solar System Exploration Division.
	Deputy Director, Space and Life Sciences.
	Assistant Director for Flight Programs.
	Assistant Director for Space Medicine.
	Asst Director, Space and Life Sciences.
Information Systems	Dep Dir, Information Systems.
	Director, Information Systems.
Business Management	Procurement Officer.
	Assistant Director, Business & Info Systems.
	Special Assistant to the Director.
	Manager Space Station Business Office.
	Asst Dir Business Management.
	Business Manager.
	Deputy Director, Business Management.
Center Operations	Dir Center Operations.
	Deputy Director, Center Operations.
Safety, Reliability & Quality Assurance	Dir, Safety, Reliability, & Quality Assurance.
	Deputy Director for Russian Projects.
	Deputy Director SR&AQ.
White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir Public Affairs.
	Associate Director.
	Chief Counsel.
	Assdir for Advanced Devel & Shuttle Upgrades.
	Dir, Space Station Hardware Integration Ofc.
	Director, Safety Assurance.
	Deputy Director for Planning and Projects.
	Manager Launch Integration (KSC).
	Dep Mgr Elv & Payload Carriers Program Office.
	Deputy Director, Safety & Mission Assurance.
Shuttle Management & Operations	Dir of Shuttle Operations.
	Director Process Integrations.
	Deputy Dir of Shuttle Processing.
	Director Process Engineering.
Safety and Mission Assurance	Dep Dir of Safety and Mission Assurance.
Installation Operations	Director, Installation Operations.
	Deputy Dir, of Installation Mgmt & Operations.
Payload Processing	Director, Expendable Vehicles.
	Director, Logistics Operations.
	Dir Inter Space Station Launch Site Support.
Procurement	Director, Procurement.
Biomedical Office	Director, Biomedical Office.
Marshall Space Flight Center	Chief, Financial Officer.
	Director, Safety & Mission Assurance Office.
	Associate Director.
	Assistant to the Center Dir for Space Station.
	Associate Director (Technical).
	Manager, Space Transportation Prog Office.
	Manager X–34 Program.
	Assistant to the Manager, X–34 Program.
Science Directorate	Deputy Manager for Space Station Research.
	Deputy for Management.
	Assistant Director for Space Propulsion Systems.
	Deputy Director, Science.
	Manager, Microgravity Science and Applications Department.
Program Development	Deputy Manager, Technology Transfer Office.
	Dir, Research & Technology Office.
Engineering Directorate	Deputy Director, Program Development.
	Director, Space Sciences Lab.
	Director, Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Structures & Dynamics Laboratory.
	Deputy Dir, Materials & Processes Laboratory.
	Dep Dir, Mission Operations Laboratory.
	Dep Dir, Syst Anal & Integration Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Propulsion Laboratory.
	Manager, Avionics Department.
	Dir Structures Dynamics Laboratory.
	Deputy Director, Structures & Dynamics Lab.
	Chief Engineer Space Shuttle Main Engine Proj.
	Asst Director Science & Engineering.
	Manager Space Station Furnace Facility.
	Director, Mission Operations Laboratory.
	Dep Manager Super Lightweight External Tank.
	Manager, Engineering Systems Department.
	Deputy Director, Space Sci Laboratory.
	Chf Eng, Reusable Launch Vehicle Project.
	Assistant to the Director, Engineering.
	Deputy Director, Engineering.
	Deputy Manager, Materials, Processes and Manufacturing, Dept.
	Deputy Manager, Structures, Mechanics and Thermal Department.
Avionics Department	Deputy Manager, Avionics Department.
Center Operations Directorate	Director, Information Systems Services Office.
	Director, Procurement Office.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
	Dir Environmental Engineering & Mgnt Office.
	Director Center Operations.
	Deputy Director Center Operations.
Space Shuttle Projects	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Manager Space Shuttle Main Engine Projects.
	Manager, Reusable Solid Rocket Motor Project.
	Chief Engineer Space Shuttle Main Engine Prog.
Global Hydrology Research Office	Manager, Global Hydrology Research Office.
	Manager, Materials, Processes, and Manufacturing Department.
	Manager Microgravity Research Program Office.
Chandra X–Ray Observatory Program Office	Manager, Observatory Projects Office.
	Dep Mgr. Observatory Program Office.
Flight Projects Directorate	Deputy Director, Flight Projects.
	Assistant to the Director, Flight Projects.
	Manager, Payload Operations and Integration Department.
	Manager, Ground Systems Department.
	Manager, Flight Systems Department.
Space Transportation Directorate	Director, Advanced Transportation Syst Office.
	Dep Manager Space Transportation Prog Ofc.
	Manager X–33 Program.
	Manager, Vehicles and Systems Development Department.
	Manager, Technology Evaluation Department.
	Manager, Second Generation RLV Program Office.
	Manager, Pathfinder Program.
	Manager, Pathfinder Program.
	Manager, Subsystem and Components Development Department.
	Deputy Director Space Transportation Directorate.
	Chief Engineer, Space Transportation.
	Manager, Propulsion Research Center.
Technology Transfer	Director, Technology Transfer Office.
	Mgr Earth & Space Sciences Projects.
Customer and Employee Relations Directorate	Director, Customer and Employee Relations.
	Deputy Dir, Customer and Employee Relations.
	Liaison For Diversity Administration.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Liaison For Diversity Administration.
Stennis Space Center	Director Center Operations & Support Director.
	Deputy Director, NASA Stennis Space Center.
	Assoc Director for Institution.
	Director, Propulsion Test Directorate.
	Deputy Director, Propulsion Test Directorate.
	Manager, Test Management Support.
	Chief Financial Officer.
	Director, Commercial Remote Sensing Program Office.
	Special Assistant to the Director.
	Director, Center Operations & Support Directorate.
Office of Space Communications	Chief, Communications Systems Branch.
Ground Networks	Assistant Associate Administrators (Plans).
Communications & Data Systems	Dep Dir, Ground Network Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Public Affairs	Senior Public Affairs Advisor.
Office of Safety & Mission Assurance	Dep Assoc Adm for Safety & Mission Quality.
	Director, Programs Assurance Division.
	Mgr Intl SP Stn Indep A & O Act.
	Technical Advisor for SR M QA Intiatives.
	Dir, Human E & D of Space (HEDS) Indep Assur.
Safety & Risk Management	Director, Safety & Risk Management Division.
Payloads & Aeronautics	Dir, Enterprise Safety & Mission Assurance.
Engineering & Quality Management	Director, Quality Management Office.
Office of Aerospace Technology	Dep Assoc Admin for Aeronautics Mgmt.
	Director, Commercial Dev & Technol Transfer.
	Dir Space Transportation Division.
	Senior Engineer.
	Director, Inter-Enterprise Operations.
Resources & Management Systems	Director, Resources Management Office.
High Performance Aircraft	Assistant Director for Program Evaluation.
High Speed Research	Director, Alliance Development Office.
National Aero-Space Plane	Assistant Dir for Aircraft Certification Serv.
Ames Research Center	Chief Financial Officer.
	Deputy Director of Information Systems.
	Deputy Director Ames Research Center.
	Assistant Director for Information Technology.
	Director, Office of Safety, Environment & Mission Assurance.
	Assistant to the Director.
	Chief, Computational Sciences Division.
	Associate Director for Astrobiology & Space Programs.
	Chief Counsel.
	Associate Director for Systems Management and Planning.
	Director of Aviation Systems Capacity Program.
	Special Assistant for Software Integration.
Aerospace	Dep Dir Flight Projects Office.
	Chief, Space Technology Division.
	Chief, Aviation Systems Research Technology & Simulation.
	Chief, Army/NASA Rotorcraft Division.
	Deputy Director of Aerospace.
Aerophysics	Dir Software Indepentent Vertication Facility.
	Chief, NAS Systems Division.
Astrobiology and Space Research	Director of Space.
	Chief, Life Sciences Division.
	Deputy Director of Astrobiology and Space Research.
Center Operations	Deputy Director, Center Operations.
Research and Development Services	Chief Systems Engineering Division.
	Chief, Wind Tunnel Operations Division.
	Director, Research and Development Services.
	Deputy Director, Research and Development Services.
Dryden Flight Research Center	Dir Aerospace Projects Directorate.
	Chf, Flight Operations Division.
	Asst Chief, Flight Operations Division.
	Director, Intercenter Aircraft Operations.
	Asst Dir for Program Integration.
	Assistant Director of Research Facilities.
	Director, Airborne Science Directorate.
	Associate Director for Operations.
	Director Research Facilities Directorate.
	Chief Information Officer.
	Director, Aerospace Proj Directorate.
	Dep, Director, Aerospace Projects.
	Aerospace Engineer (Ch Engineer.
Langley Research Center	Chief Atmospheric Sciences Division.
	Facility Group Director for the Aerospace Technology Enterprise.
	Dir Independent Prog Assess Office.
	Dir of Education Programs.
	Assistant Director for Planning.
	Special Assistant for Outreach.
	Manager, Hyper-X Phase One Program.
	Dep Dir Indep Progr Assessment Office.
	Associate Director.
	Director.
	Special Assistant to the CFO.
	Director, Aviation Safety Program Office.
	Associate Director for Program Integration.
	Director, Earth and Space Science Program Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy Director, Facilities and Test Techniques, AAAC.
Aeronautics	Chief, Aeronautics Systems Analysis Div.
	Deputy Director, Airframe Systems Prog Office.
Space & Atmospheric Sciences	Deputy Dir, S & A Sciences Program Group.
	Dir, Aerospace Transportation Program Office.
	Chief, Space Systems and Concepts Division.
Research & Technology	Director.
	Chief Structures Division.
	Chief Information & Electromagnetic Tech.
	Chf, Flight Dynamics & Controls Division.
	Chief, Fluid Mechanics Division.
	Deputy Dir, Research & Technology Group.
	Chief Aerodynamics Division.
	Director, Research & Technology Group.
	Chief, Aero & Gas Dynamics Division.
	Chief, Materials Division.
Technology Applications	Manager Space Technologies Thrust Office.
Internal Operations	Deputy Dir, Internal OPS Group (FE & O).
	Chief Aerospace Mechanical Systems Division.
	Chief Experimental Testing Technology Div.
	Special Asst, Internal Operations Group.
	Special Assistant.
	Procurement Officer.
	Chief Aerospace Mechanical Systems Division.
	Director, Internal Operations Group.
	Chief, Simulation and Research Aircraft Div.
High-Speed Research Project	Director for High-Speed Res Project Office.
	Chief Engineer, High-Speed Research.
Aerospace Transportation Technology Office	Dep Dir Aerospace Trans Technol Office.
	Dep Dir Aerospace Transportation Tech Ofc.
	Dir Aerospace Transport Technology Office.
Safety, Environmental & Mission Assurance	Dir, Ofc of Safety, E & M Assurance.
Comptroller	Chief Financial Officer.
Glenn Research Center	Special Assistant to the Director for Policy.
	Chief Financial Officer.
	Deputy Director for Operations.
	Assistant Deputy Director for Policy.
Aeronautics	Chf, Internal Fluid Mechanics Division.
	Chf, Aeropropulsion Analysis Office.
	Deputy Director of Aerospace Technology.
	Chief, High-Speed Systems Office.
	Chief, Subsonic Systems Office.
	Chief, Ultra Efficient Engine Technology Office.
Research and Technology	Chief, Space Propulsion Technology Division.
	Chief, Turbomachinery & Propulsion Syst Div.
	Chief, Materials Division.
	Chief, Structures Division.
	Chief, Space Communications Division.
	Chief, Power & On-Board Propulsion Techn Div.
	Chief, Interdisciplinary Technology Office.
Space	Chief Microgravity Division.
	Chief, Space Experiments Division.
	Deputy Director of Space Flight Systems.
	Chief Power Systems Project Office.
	Senior Advisor for Advanced Concepts.
Engineering and Technical Services	Chief, Computer Services Division.
	Chf, Electronics & Control Systems Division.
	Director of Engineering & Technical Services.
	Deputy Dir of Engineering & Tech Services.
	Chief Engineer.
	Chief, Systems Engineering Division.
Administration & Computer Services	Dir, Adm & Computer Services Directorate.
External Programs	Director, External Programs.
Mission Safety & Assurance	Dir, Ofc of Sfty, Environml & Mission Assur.
Office of Space Science	Special Ast to the Deputy Assoc Admin.
	Asst Associate Admr for Technology.
	Technical Assistant to the Director, Office of Space Science.
	Senior Program Executive for Decadal Planning Team (Science).
Solar System Exploration	Science Program Director.
	Director, Mission & Playloa Development Div.
	Senior Program Executive for JPL Programs.
	Dir, Advanced Technol & Mission Studies Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Space Physics	Senior Program Executive for GSFC/APL Progs.
	Science Program Dir, Sun-Earth Connection.
	Sr Sci Prog Executive for Review & Evaluation.
	Director, Research Program Management.
Technology & Information Systems	SR Sci Program Executive for Information Syst.
Astrophysics	Science Program Director, Galaxy & Universe.
	Deputy Dir Astrophysics Division.
	Asst Assoc Admr for Education & Outreach.
	Science Prog Dir, Origins & Planetary Systems.
Office of Life & Microgravity Sciences & Applications	Dir, Space Processing Division.
Microgravity Science & Applications	Dir, Microgravity Sciences & Applications Div.
Life & Biomedical Sciences	Manager, Life Sciences and Technology.
	Dir Life & Biomedical Science & Applics Div.
Flight Systems	Chief Mission Management Branch.
Office of Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Manager, Advanced Technology Programs.
	Assistant Inspector General for Inspections, Administrative.
	Investigations, and Assessments.
	Counsel to the Inspector General.
	Assistant Inspector General, Network and Advanced Technology.
	Protections Office.
Office of Space Access & Technology	Manager Systems Integration.
	Manager, Communications Experiments.
	Manager for Propulsion Technology.
	Special Assistant for Special Projects.
Office of Earth Science	Dep Assoc Admr for Mission to Planet Earth.
	Senior Science Advisor for Intl Programs.
	Director, Mission to Planet Earth.
	Senior Engineer, Program Integration.
	Dir Applications & Outreach Division.
	Director, Business Division.
Science	Director Science Division.
Goddard Space Flight center	Dir of University Programs.
	Chief, NASA SOMO Mission Services Offices.
	Associate Director/Program Manager for Explorers.
	Deputy Associate Director for EOS–G Development.
	Associate Director/Program Manager for the Hubble Space Telescope (HST).
	Deputy Associate Director for Hubble Space Telescope (HST).
	Development.
	Deputy Director for Systems Management.
	Deputy Director of Applied Engineering and Technology for Planning and Development.
Human Resources	Director, Management System Division.
	Director of Human Resources.
Comptroller	Chief Financial Officer/Comptroller.
Management Operations	Dep Dir of Management Operations.
	Associate Director for Acquisition.
Flight Assurance	Director of Flight Assurance.
	Dep Dir of Flight Assurance. .
Flight Projects	Deputy Director of Flight Projects.
	Project Mgr, Opns & Ground Systems.
	Project Mgr, Earth Observing Syst AM Project.
	Geostationary OPL Environmental Satellite PM.
	Dir of Flight Projects.
	Tracking & Data Relay Satellite TDRS Proj Mgr.
	Assoc Dir for Earth Sci Data & Info System.
	Proj Mgr, EOS–PM Proj Flight Proj Direct.
	Project Mgr, Earth Sci D&I Syst Project.
	Dep Dir Flight Projects for Plan & Bus Mgmt.
	Project Manager, POES.
	Associate Director of Flight Projects for EOS.
Applied Engineering & Technology Directorate	Deputy Asso Dir of Flight Proj Cor Net & Miss Serv Proj.
	Asso Dir of Flight Proj for Network & Miss Serv Proj.
	Deputy Director of Applied Eng & Technology.
	Chief Information Systems Center.
Systems, Technology and Advanced Concepts	Dep Dir of Systems, Tech & Advanced Concepts.
Space Sciences	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Director of Space Sciences.
	Chief, Goddard Institute for Space Studies.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Chief Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
Engineering	Chief Engineer.
	Associate Director of Flight Projects.
	Chief, Mechanical System Center.
	Chief, Systems Engineering Division.
	Chief Technology Commercialization Office.
Earth Sciences	Chief Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Asst Dir of Earth Sci for Projects Eng.
	Asst Dir of Earth Sci for Projects Eng.
	Chf, Laboratory for Atmospheres.
	Deputy Director for Earth Sciences.
	Director for Earth Sciences.
	Chief Laboratory for Terrestrial Physics.
	Deputy Assoc Dir for Earth Sci D & I Syst.
	Asst Dir of Mission to P/E Prog for Globe.
Office of Policy and Plans	Director of Special Studies.
	Director of Special Projects.
National Archives & Records Administration:	
Archivist of US Dep Archivist of the US/Chf of Staff	Deputy Archivist of the United States.
Office of Administrative Service	Assistant Archivist for Administrative Serv.
Office of the Federal Register	Director of the Federal Register.
Office of Regional Records Service	Asst Archivist for Regional Records Services.
Office of Human Resources and Information Services	Asst Archivist for Human Resources & Info Ser.
Office of Records Services—Washington, DC	Asst Archivist for Records Services.
Office of Presidential Libraries	Asst Archivist for Presidential Libraries.
	Director, Lyndon B. Johnson Library.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Assistant Executive Director (Management).
	Deputy Executive Director.
	Assistant Executive Director (Programs).
	General Counsel.
National Endowment for the Arts:	
National Endowment for the Arts	Deputy Chairman for Guidelines, Panel and Council Operations.
	Deputy Chairman for Management and Budget.
	Chief Information Officer.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
	Director, Office of Strategic Planning.
National Labor Relations Board:	
Ofc of the Board Members	Executive Secy.
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
	Chief Information Technology Branch.
Div of Operations Management	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Asso Gen Counsel, Div of Operation-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1, Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4, Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regional Director, Reg. 7, Detroit, Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10, Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Regional Director, Reg. 12, Tampa.
	Regional Director, Reg. 13, Chicago.
	Regl Dir Reg 14, St Louis.
	Regl Dir Reg 15, New Orleans.
	Regl Dir Reg 16, Ft Worth.
	Regl Dir Reg 17, Kansas City.
	Regl Dir Reg 18, Minneapolis.
	Regl Dir Reg 19, Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director, Reg 22 Newark.
	Regional Director, Reg 24, Hato Rey Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26, Memphis.
	Regl Dir Reg 27, Denver.
	Regl. Dir. Reg. 28, Phoenix.
	Regl Dir Reg 29, Brooklyn.
	Regl Dir Reg 30, Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33, Peoria, IL.
	Regl Dir Reg 31, Los Angeles.
	Regional Director, Reg 34, Hartford.
National Science Foundation:	
Office of the Director	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Advisor.
	Senior Staff Associate.
Office of Integrative Activities	Senior Science Advisor.
	Senior Scientist.
Office of the General Counsel	Deputy General Counsel.
Office of Polar Programs	Head Polar Research Support Section.
Office of the Inspector General	Inspector General.
	Dep Inspector Gen & Senior Legal Advisor.
	Associate Inspector General for Efficiency.
	Associate Inspector General for Scientific Integrity.
	Deputy Inspector General.
	Associate Inspector General for Audit.
National Science Board	Senior Policy Officer.
Directorate for Geosciences	Senior Science Associate for Spatial Data and Information.
	Sr Science Assoc for Geosciences Education.
Division of Atmospheric Sciences	Head, Upper Atmosphere Section.
Division of Earth Sciences	Head, Major Projects Section.
	Head, Research Grants Section.
Division of Ocean Sciences	Head Ocean Sciences Research Section.
	Senior Scientist/Section Head.
Directorate for Engineering	Senior Advisor.
Division of Engineering Education & Centers	Deputy Division Director (Education).
	Senior Staff Associate.
	Senior Engineering Advisor.
Division of Design, Manufacture & Industrial Innovation	Senior Advisor, Technology Integration.
	Senior Advisor.
Division of Civil and Mechanical Systems	Senior Advisor.
Directorate for Bilogical Sciences	Deputy Assistant Director.
Division of Environmental Biology	Deputy Division Director.
Directorate for Mathematical and Physical Sciences	Executive Officer.
	Special Assistant to the Assistant Director.
	Senior Science Associate.
Division of Physics	Executive Officer.
Division of Astronomical Sciences	Executive Officer.
Division of Mathematical Sciences	Executive Officer.
Division of Materials Research	Executive Officer.
Directorate for Education & Human Resources	Deputy Assistant Director.
	Dep Asst Dir for Integrative Activities.
Division of Research, Evaluation & Communication	Senior Advisor for Research.
Directorate for Social, Behavioral and Economic Sciences	Senior Advisor.
	Senior Staff Associate.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Head, Office of Trans-Regional Affairs.
	Senior Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Senior Staff Associate.
Directorate for Computer & Info Science & Engineering	Executive Officer.
	Senior Scientist.
Office of Budget, Finance and Award Management	Director, BFA and CFO.
	Executive Officer.
Budget Division	Division Director.
Division of Financial Management	Division Director and Deputy CFO.
Division of Grants & Agreements	Division Director.
Division of Contracts, Policy & Oversight	Division Director.
Office of Information and Resource Management	Deputy Director, OIRM and Deputy CIO.
Division of Information Systems	Dep Dir, of Information Systems.
Division of Human Resource Management	Division Director.
	Deputy Division Director.
Division of Administrative Services	Division Director.
	Deputy Division Director.
National Transportation Safety Board:	
National Transportation Safety Board	Chief Technical Advisor.
Office of the Managing Director	Deputy Managing Director.
	Assoc Managing Dir Safety & Development.
	Assoc Managing Director for Quality Assurance.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Dep Dir, International Aviation Safety Affairs.
National Transportation Safety Board:	
Office of Aviation Safety	Deputy Director, Tech and Inv Operations.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
	Deputy Dir Ofc of Research and Engineering.
Office of Chief Financial Officer	Chief Financial Officer.
Office of Safety Recommendations and Accomplishments	Dir Ofc of Safety Recommendations & Accomplis.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chief Administrative Judge.
	Deputy Chief Administrative Judge (Executive).
Office of the Chief Information Officer	Dir, Applications Development Division.
	Dir, Information Technology Infrastructure.
	Director, Information Mgmt Division.
	Director, Planning & Resource Mgmt Division.
Office of the Chief Financial Officer	Dir Division of Budget and Analysis.
	Dir Division of Accounting and Finance.
	Special Assistant for Internal Controls.
	Deputy Chief Financial Officer.
Office of the Inspector General	Asst Inspector General for Audits.
	Deputy Inspector General.
	Assistant Inspector Gen for Investigations.
Associate General Counsel for Licensing and Regulation	Deputy Assistant GC/Legislative Counsel.
Associate General Counsel for Hearings, Enforcement and Administration.	Deputy Assistant GC for Administration.
Office of Commission Appellate Adjudication	Dir Ofc of Comm Appellate Adjudication.
Office of Administration	Director Div of Contracts & Prop Mgmt.
	Director, Div of Security.
	Dir, Div of Administrative Services.
	Dir, Div of Facilities and Security.
Incident Response Operations	Director, Incident Response Operations.
	Dep Dir, Incident Response Operations.
Nuclear Regulatory Commission:	
Assistant GC for Hearings and Enforcement	Dep Asst GC for Mtrls, Antitrust & SP.
	Deputy Assistant General Counsel.
	Deputy Assistant GC for Mtrls, Antitrust & SP.
	Chief Nuclear Waste Management Branch.
Office of Human Resources	Special Assistant.
Office of Investigations	Deputy Director, Office of Investigations.
Office of Small Business and Civil Rights	Director.
Office of Nuclear Reactor Regulation	Proj Dir Project Directorate II 1.
	Dir, Prog Mgmt, Policy Dev & Analysis Staff.
Division of Operational Assessment	Deputy Director, Div Incident Response.
	Special Assistant to the Director.
Division of safety Programs	Chief Reactor Analysis Branch.
Division of Licensing and Project Management	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–4.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 2.
	Project Dir Project Directorate II 3.
	Deputy Dir, Div of Reactor Project I/II.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Project Director, Project Directorate I.
	Project Director, Project Directorate II.
	Project Director, Project Directorate IV & Decommissioning.
	Project Director, Project Directorate III.
Division of Inspection Program Management	Chief, Qual Assur, Vendor Insp. Maintenance & Alleg Br.
	Chief, Operator Licensing, Human Perf & Plant Support Br.
	Chief, Inspection Program Branch.
Division of Regulatory Improvement Programs	Chief, License Renewal and Standardization Branch.
	Chief, Events Assess, Generic Comm & Non-Pwr Reactors Branch.
	Chief, Generic Issues, Envir, Financial & Rulemaking Branch.
	Chief, Technical Specifications Branch.
Division of Engineering	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chief Civil Eng & Geosciences Branch.
	Chief Electrical Engineering Branch.
	Chief, Mechanical & Civil Engineering Branch.
	Chief, Electrical & Instrumentation & Controls Branch.
Division of Systems Safety & Analysis	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probablistic Safety Assessment Branch.
	Chief Containment Sys & Severe Accident Brch.
Office of Nuclear Material Safety and Safeguards	Deputy Director, Spent Fuel Project Ofc.
	Chief Transportation & Storage Safety.
Division of Fuel Cycle Safety & Safeguards	Chief, Operations Branch.
	Chief, Regl & Intl Safeguards Branch.
	Chief Special Projects.
	Chief, Licensing Branch.
	Chief, Licensing and International Safeguards Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
	Chief, Rulemaking and Guidance Branch.
	Chief, Materials Safety and Inspection Branch.
Division of Waste Management	Chf, High Level Waste & Uranium Recovery Proj.
	Chief, Perf Assess & Hydrology Branch.
	Chief, Engineering & Geosciences Branch.
	Deputy Dir, Prog Mgmt Policy Devel & Analysis.
	Chf, Low Level Waste & Decommissioning Proj.
	Chief, Decommissioning Branch.
	Chief, High-Level Waste & Performance Assessment Branch.
	Chief, Uranium Recovery and Low-Level Waste Branch.
Spent Fuel Project Office	Deputy Director, Licensing & Inspection Directorate.
	Dep Dir, Technical Review Directorate.
OFC of Nuc Regulatory Research	Director: Fin Mgt, Procurement & Admin Staff.
	Director for Inspector Special Projects.
	Dir, Program Mgmt, Policy Development & Analysis Staff.
Division of Engineering Technology	Chief, Generic Safety Issues Branch.
	Chief, Elect, M & M Engineer Branch.
	Chief, Structural & Geological Eng Branch.
	Chief, Materials Engineering Branch.
	Chief, Engineering Research Applications Branch.
Division of Systems Analysis and Regulatory Effectiveness	Chief, Regulatory Effectiveness & Human Factors Branch.
	Chief, Safety Margins and Systems Analysis Branch.
Division of Risk Analysis and Application	Chf Reliability & Risk Assessment Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Radiation Protection, Environ Risk & Waste Mgmt.
Region I	Deputy Regional Administrator.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Projects.
	Director Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dep Dir, Div of Reactor Safety.
	Dep Dir, Div of Nuclear Materials Safety.
	Director, Millstone Inspection Directorate.
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Director, Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dep Regional Administrator Region III.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir, Div of Nuclear Materials Safety.
	Deputy Director Division of Reactor Projects.
	Dep Dir, Div of Reactor Safety.
	Dep Dir, Nuclear Materials Safety.
Region IV	Deputy Regional Administrator Region IV.
	Deputy Director, Div of Reactor Projects.
	Director Div of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
Region IV	Dir, Division of Reactor Safety.
	Dep Dir, Division of Reactor Safety.
Division of Inspection and Support Programs	Dir, Inspection & Support Programs.
	Chf, Inspection Program Branch.
	Chf, Special Inspections Branch.
Division of Reactor Projects III/IV	Chf, Technical Specification Branch.
	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
	Proj Dir, Project Directorate IV–1.
	Chf, Events A & G Communications Sp Insp Brch.
	Proj Dir, N–P Reactor, D & E Proj Directorate.
	Project Dir, Proj Directorate IV–2.
	Chief, Generic Issues & Envir Proj Branch.
Division of Reactor Controls and Human Factors	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Instrumentation & Control Branch.
	Chf, Quality Assur & Maint Branch.
	Project Dir Project Directorate I–3.
Division of Reactor Program Management	Chf, Emergency P & R Protection.
	Chf, Safeguards Branch.
	Project Dir, Standardization Proj Directorate.
	Proj Dir License Renewal & Environmental Rev.
	Special Assistant to the Director.
Division of Regulatory Applications	Chief Regulation Development Branch.
	Chief Waste Management Branch.
Division of Systems Technology	Chief, Accident Evaluation Branch.
	Chf, Radiation Protection & Health Effects Br.
	Chief, Reactor and Plant Systems Branch.
	Chief, Control Instr & Human Factors Branch.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy Dir, for Government R & S Projects.
	Senior Assoc Director for Agency Programs.
Office of Management and Budget:	
Office of the Director	Deputy Associate Dir for Economic Policy.
	Senior Advisor to the Dep Dir for Management.
	Deputy Associate Director for Legislative Affairs.
Legislative Reference Division	Asst Dir Legislative Reference.
	Chief, Economics, Science & Govt Branch.
	Chief, Resources-Defense-International Branch.
	Chief, Labor, Welfare, Personnel Branch.
	Associate General Counsel for Budget.
Office of Federal Procurement Policy	Associate Administrator for Procurement Law and Legislation.
	Associate Administrator for Acquisition Implementation.
Office of Information and Regulatory Affairs	Chief, Information Policy & Technology Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Senior Advisor.
Office of Federal Financial Management	Chief, Financial Standards, Reporting and Management Integrity Branch.
	Deputy Controller.
	Chief Federal Financial Systems Branch.
	Senior Advisor to the Director.
Budget Review Division	Dep Asst Dir for Budget Review & Concepts.
	Dep Chief Budget Analysis Branch.
	Chief Budget Analysis Branch.
	Asst Dir for Budget Review.
	Dep Asst Dir for Budget Analysis & Systems.
	Chief, Budget Concepts Branch.
	Chief, Budget Systems Branch.
	Chief, Budget Review Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
International Affairs Division	Chief, State—USIA Branch.
	Chief, Economic Affairs Branch.
Office of Management and Budget:	
International Affairs Division	Dep Assoc Dir for Internatl Affairs.
National Security Division	Chief, Command, Ctrl, Comms, & Intellig Branch.
	Chief, Force Structure & Investment Branch.
	Dep Assoc Dir for National Security.
	Chief Operations Sup Branch.
Associate Director for Educ, Income Maintenance & Labor	Chief, Labor Branch.
	Chief, Education Branch.
	Dep Assoc Dir for Ed, Income Maint & Labor.
	Chf, Income Maintenance Branch.
	Senior Advisor.
Transportation, Commerce, Justice & Services Division	D/A for Transp Commerce, Justice & Services.
	Chief Commerce Branch.
	Chief Transport Branch.
	Chief, Justice/GSA Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury Branch.
	Senior Advisor for Cash & Credit Mgmt.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Senior Advisor.
Natural Resources Division	Dep Associate Dir for Natural Resources.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
Energy and Science Division	Chief Interior Branch.
	Chief, Water and Power Branch.
	Chief Science and Space Programs Branch.
	Dep Assoc Dir for Energy & Science.
	Chief, Energy Branch.
Health Division	Deputy Associate Director for Health.
	Chief Health Programs & Services Branch.
	Chief Health & Financing Branch.
	Chief, Health & Human Services Branch.
	Chief, Health Program & Services Branch.
VA/Personnel Division	Chf Veteran Affairs Branch.
	Deputy Assoc Director for VA & Personnel.
	Chief, Personnel, Portal, Exop Branch.
Office of Personnel Management:	
Office of the Chief Financial Officer	Chief Financial Officer.
	Dep Chf Fin Ofc/Assit Dir for Financial Mgmt.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
	Assistant Inspector Gen for Investigations.
	Deputy Aig for Audits.
Retirement and Insurance Service	Asst Dir for Retirement Programs.
	Director, Office of Actuaries.
	Asst Dir for Insurance Programs.
Employment Service	Director, Personnel Res & Development Center.
	Director, Staffing Automation.
	Senior Advisor.
	Special Assistant to the Associate Director.
Office of Workforce Relations	Director, Office of Workforce Relations.
	Dir Ctr for Partnership/Labor Mgmt Relations.
	Assistant Dir for Human Resources Development.
Investigations Service	Director, Fed Investigation Systems.
Office of the Chief Information Officer	Chief Information Officer.
Office of Contracting and Administrative Services	Director of Contracting & Administrative Serv.
Office of Merit Systems Oversight and Effectiveness	Associate Director for Merit Systems Oversight.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Special Counsel (Prosecution).
	Assoc Spec Counsel (Investigation).
	Deputy Associate Spec Counsel for Prosecution.
	Assoc Special Counsel for Disclosure and Complaints Examination.
	Director for Management.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Special Counsel Planning and Oversight.
	Associate Special Counsel for Plan & Advice.
Railroad Retirement Board:	
Board Staff	Chief of Technology Service.
	Director of Hearings and Appeals.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director of Hearings and Appeals.
	Chief Actuary.
	Director of Field Service.
	Director of Field Service.
	Director of Administration.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Taxation.
	General Counsel.
	Director of Programs.
	Chief Information Officer.
	Dir of Operations.
	Dir of Policy & Systems.
	Dir of Policy & Systems.
	Director of Fiscal Operations.
Securities and Exchange Commission:	
Office of the Executive Director	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Division of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Small Business Administration:	
Office of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Assistant Inspector Gen/Inspection & Eval.
	Asst Inspector General for Mgmt Legal Cause.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
	Associate General Counsel for Procurement Law.
Office of Equal Employment O & C Rights Compliance	Asst Admr for Equal Employ O & C Right Compl.
Office of Hearings and Appeals	Asst Administrator for Hearings and Appeals.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of Economic Development	Dep to the Admin for Capital Accss.
Office of Financial Assistance	Assoc Administrator for Financial Assist.
	Dep Assoc Admr for Financial Assistance.
	Asst Admr for Borrower and Lender Servicing.
Office of Surety Guarantees	Assoc Administrator for Surety Guarantees.
Office of Government C & M Enterprise Development	Associate Administrator for Procurement Policy and Liaison.
Office of Minority Enterprise Development	Assoc Admin for Minority Small Bus Cap Owners.
Office of Entrepreneurial Development	Deputy to the ADA for Entrepreneurial Dev.
Office of Information Resources Management	Chief Information Officer.
Office of Human Resources	Asst Administrator for Human Resources.
District Directors	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
Social Security Administration:	
Office of the Inspector General	Deputy Inspector General.
	Counsel to the Inspector General.
Office of Investigations	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audits	Asst Inspector Gen for Audits.
	Dep Asst Inspector General for Audits.
Office of Executive Operations	Assistant Inspector General for Executive Operations.
Office of Hearings and Appeals	Assoc Comm for Hearing & Appeals.
	Deputy Assoc Comr for Hearings and Appeals.
	Executive Dir., OFC of Appellate Operations.
Office of Actuary	Chief Actuary.
	Deputy Chief Actuary (Long-Range).
	Deputy Chief Actuary (Short-Range).
Office of Labor-Management and Employee Relations	Dir Ofc Labor-Management Employee Relations.
Office of Finance, Assessment & Management	Senior Financial Executive.
Office of Financial Policy and Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations.
Office of Quality Assurance and Performance Assessment	Assoc Commr for Quality Assurance & Performance Assessment.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dep Assoc Commr for Quality A & P Assessment.
Information Technology Systems Review Staff	Dir Information Technology System Review Stf.
Office of Acquisition and Grants	Assoc Commissioner for Acquisition & Grants.
Office of Telecommunications and Systems Operations	Assoc Comm for Telecommunications & Sys Oper.
	Deputy Associate Commissioner for T&SO.
	Dep Assoc Commr for T & S OPS (TELECOMM).
Office of General Law	Associate General Counsel for General Law.
Department of State:	
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Asst Insp Gen for Policy, Plng and Management.
Office of the Inspector General	Dep Asst Inspector Gen for Inspections.
	Deputy Inspector General.
	Asst Inspector Gen for Security Oversight.
	Senior Inspector—Thematic Review.
Bureau of Intelligence and Research	Executive Director.
Bureau of International Organizational Affairs	Director, Office of International Conferences.
Bureau of Administration	Director, Office of Acquisition.
Bureau of Personnel	Director, OFC of Civil Service Personnel Mgmt.
	SES Long Term Training.
Bureau of Arms Control	Office Director.
	Office Director.
	Office Director.
	Office Director.
	Deputy Asst. Secretary.
Bureau of Nonproliferation	Office Director.
Department of Transportation:	
Asst Secretary for Budget & Programs	Deputy Chief Financial Officer.
Assistant Secretary for Administration	Asst Secy for Administration.
Office of the Senior Procurement Executive	Senior Procurement Executive.
Office of Inspector General	Deputy Inspector General.
	Senior Counsel.
	Associate Deputy Inspector General.
Assistant Inspector General for Auditing	Asst Insp General for Auditing.
	Dep Asst Inspector for Auditing.
Office of Financial, Information Technology and Department-Wide Programs.	Deputy Asst Inspector General.
Office of Aviation	Dep Asst Inspector General for Aviation.
Assistant Inspector General for Investigations	Asst Inspector General for Investigation.
	Dep Asst Inspector General for Investigations.
Office of National Transportation Infrastructure	Deputy Assistant Inspector General for Highways & Highway Safety.
Assistant Inspector General for Martime & Highway Safety	Deputy Asst Inspector General.
Asst Inspector Gen for Competition, Oversight, Rail, Economic, and Special Prog.	Assistant Inspector General for Rail, Transit, and Special Program Audits.
Associate Administrator for Safety	Assoc Admr for Safety.
Office of Safety Enforcement	Director, Office of Safety Enforcement.
Associate Administrator for Pipeline Safety	Assoc Admr for Pipeline Safety.
Associate Admr for Ship Analysis and Cargo Preference	Assoc Admr for Ship Fin A & C Preference.
Associate Admr for Shipbuilding	Director, Office of Shipbuilding and Marine Technology.
Administrator	Executive Director.
Office of Real Estate Services	Dir Ofc of Real Estate Services.
Safety	Program Manager, Safety.
Office of Budget and Finance	Dir Ofc of Budget & Finance.
Office of Acquisition Management	Director, Office of Acquisition Management.
Office of Safety Research and Development	Director, Office of Safety R & D.
Federal Motor Carrier Safety Administration	Director, Office of Motor Carrier Enforcement.
Office of Bus & Truck Standards and Operations	Director, Office of Bus & Truck Standards and Operations.
Office of Enforcement and Compliance	Director, Office of Compliance.
Associate Administrator for Safety Assurance	Associate Administrator for Safety Assurance.
Office of Defects Investigation	Dir—Ofc of Defects Investigation.
Office of Vehicle Safety Compliance	Dir—Ofc of Vehicle Safety Compliance.
Chief of Staff	Director of Finance and Procurement.
Office of the Assistant Commandant for Acquisition	Deputy Assistant Commandant for Acquisition.
Proceedings	Deputy Director—Legal Analysis.
Economic Environmental Analysis and Administrator	Director of Economics, Environmental A & A.
Office of the Administrator	Senior Advisor.
Office of Highway Safety	Dir, Office of Highway Safety.
Office of Motor Carrier Standards	Director, Office of Research and Standards.
Department of the Treasury:	
Assistant Secretary (International Affairs)	Senior Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Under Secretary for Domestic Finance	Director, Office of Procurement.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Deputy Assistant Secretary for Fiscal Operations and Policy.
	Dep Asst Secretary Accounting Operations.
Financial Management Service	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Comptroller.
	Director Platform Services Directorate.
	Assistant Commissioner, Governmentwide Accounting.
	Director, Kansas City Financial Center.
	Commr of Financial Management Service.
	Asst Commissioner, Information Resources.
	Assistant Commissioner, Federal Finance.
	Director Operations Group.
	Dep Com Financial Management Service.
	Director Cash Management Directorate.
	Director, Birmingham Debt Management Operations Center.
	Assistant Commissioner, Regional Operations.
	Asst Comr, Management (Chief Fin Ofcr).
	Director, Systems Management Directorate.
	Assistant Commissioner (Agency Services).
	Deputy, Chief Information Officer.
	Chief Accounting Officer.
	Assistant Commissioner, Financial Operations.
	Deputy Director, Operations Directorate.
	Assistant Commissioner Debt Management Sercs.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Executive Director.
	Government Securities Policy Advisor.
	Asst Commr/Securities & Accounting Services.
	Assistant Commissioner (Office of Information Technology).
	Asst Commissioner (Public Debt Accounting).
Assistant Secretary (Enforcement)	Dep Dir, Financial Crimes Enforcement Network.
	Director Fincen.
	Executive Assistant Director, Fincen.
	Dir Exe Ofc for Asset Forfeiture.
Bureau of Alcohol, Tobacco and Firearms	Special Agent in Charge (NY Field Division).
	Spec Agen in Charge (Washington Field Div).
	Assistant Director (Inspection).
	Dep Asst Dir (Liaison & Public Information).
	Division Director/Special Agent in Charge.
	Division Director/Special Agent in Charge.
	Division Director/Special Agent in Charge.
	Division Director/Sac, Atlanta.
	Dep Assoc Dir Reg Enforcement Field Operation.
	Deputy Asst Director (Inspection).
	Deputy Asst Dir (Ce Field Operations)—East.
	Deputy Assistant Director (Ce Field Operations)—Central.
	Asst Dir (Science & Technology).
	Asst Dir (Field Operations).
	Associate Chief Counsel (Admin & Ethics).
	Deputy Assistant Director (Ce Field Operations)—West.
	Deputy Asst Dir (Science & Technology).
	Director Laboratory Services.
	Deputy Director.
	Asst Dir (Firearms Explosives & Arson).
	Asst Dir (Alcohol & Tobacco).
	Deputy Assistant Director (Recruitment/Hiring).
Bureau of Alcohol, Tobacco and Firearms	Deputy Asst Director (Alcohol & Tobacco).
	Dep Asst Dir (Firearms Explosives Arson.
	Assistant Director (Firearms, Explosives, and Arson).
	Asst Dir (Liaison & Public Information).
	Chair, Professional Review Board.
US Customs Service	Asst Commissioner for Internal Affairs.
	Associate Chief Counsel (Miami).
	Associate Chief Counsel (Chicago).
	Associate Chief Counsel (New York).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Dir OFC of Regulatory Audit.
	Special Agent in Charge, Miami.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Associate Chief Counsel (Houston).
	Dir, Applied Technology.
	Special Agent in Charge—New York.
	Special Agent in Charge—Los Angeles.
	Deputy Assistant Commissioner, Human Resources.
	Deputy Assistant Commissioner, Internal Affairs.
	Regional Special Agent in Charge (SAIC).
	Regional Special Agent in Charge (SAIC).
	Regional Special Agent in Charge (SAIC).
	Deputy Assistant Commissioner, Office of Training and Development.
	Executive Director, Communications Management.
	Director, Asset Acquisition & Management.
	Executive Director, Labor and Employee Relations.
	Director, Office of Trade Compliance.
	Dir Customs Management Center New York.
	Area Dir, Newark.
	Dir Customs Management Center N Atlantic.
	Asst Commissioner, Field Operations.
	Dir Customs Management Center Mid-America.
	Dir Customs Management Center—S. Texas.
	Dir, Customs Management Center—Mid Pacific.
	Project Executive.
	Asst Commissioner, Regulations & Rulings.
	Dir Strategic Trade Center Chicago.
	Deputy Asst Commissioner (Investigations).
	Assoc Chief Counsel (Administration).
	Associate Chief Counsel (Los Angeles).
	Area Director, JFK Airport.
	Asst Commissioner Chief Information Officer.
	Dir Customs Management Center South Florida.
	Special Agent in Charge (New Orleans).
	Assistant Commissioner, Public Affairs.
	Dep Dir, OFC of Regulatory Audit.
	Asst Commissioner; Investigations.
	Director Strategic Trade Center—Plantation.
	Dir Laboratories & Scientific Services.
	Project Executive.
	Deputy Assistant Commissioner, Field Operations.
	Director, Field Operations—Houston.
	Executive Director, Field Programs.
	Exec Dir the Interdiction Committee.
	Assistant Commissioner, Finance.
	Executive Director, Mission Support Service.
	Project Executive.
	Dir Tariff Classification Appeals Division.
	Dir Strategic Trade Center Long Beach.
	Processes and Policy Executive.
	Director, Field Operations—Miami.
	Deputy Assistant Commissioner, International Affairs.
	Director, US Customs Academy.
	Director, OFC of Air Interdiction.
	Special Agent in Charge (Houston).
	Dir Customs Management Center—S California.
	Dir Office of Planning.
	Director, Strategic Trade Center Operations.
	Director, Intelligence and Communications Division.
	Director, Software Development.
	Director, Budget Division.
	Executive Director Customs Management Center.
	Dir Customs Management Center South Pacific.
	Associate Executive Director (West).
	Director, Administration Policy & Planning.
	Asst Commissioner, Strategic Trade.
	Special Agent-in-Charge (San Diego).
	Asst Commissioner, Human Resources Mgmt.
	Regional Special Agent in Charge.
	Director, Ofc of Automated Commercial Systems.
	Port Director, Miami.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Secret Service	Associate Executive Director, East.
	Assistant Commissioner, Office of Training and Development.
	Director, Infrastructure Division.
	Director, Management Inspection.
	Special Agent-in-Charge—Dallas.
	Associate Executive Director, Central.
	Deputy Chief Financial Officer.
	Special Agent in Charge—El Paso.
	Special Advisor (Enforcement).
	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Asst Director, Investigations.
	Asst Dir (Protective Operations).
	Asst Dir (Protective Research).
	Assistant Director, Administration.
	Assistant Director Inspection.
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Dep. Asst. Dir. (Protective Research).
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
	Spec Agent in Charge—Vp Protect Div.
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Spec Agent in Charge, San Francisco Office.
	Special Agent in Charge, Dallas Field Office.
Secret Service	Deputy Chief Counsel.
	Executive Assistant to the Director—Office of Congressional.
	2002 Winter Olympics Coordinator.
	Deputy Asst Dir Investigation.
	Dad—Administration.
	Deputy Special Agent in Charge Pres Prot Div.
	Dad (Uniformed Forces, F & E Dev), Ofc Trng.
	Dep Special Agent in Charge—PPD White House.
	Dep Asst Dir Investigations.
	Special Agent in Charge—Houston Field Ofc.
	Deputy Assistant Director—Technology.
	Deputy Asst Director Office of Inspection.
	Spec Agent in Charge—Miami Field Office.
	Deputy Special Agent in Charge—VP Prot Div.
	Dep Asst Dir Protective Operations.
	Chf, Info Resources Management Division.
	Spec Agent in Charge—Atlanta Field Office.
	Deputy Asst Dir Protective Operations.
	Special Agent in Charge.
Ofc of the Inspector General	Dep Asst Inspector Gen for Audit (Fin Mgmt).
	Dep Insp Gen Investigation (DAIGI).
	Counsel to the Inspector General.
	Assistant Inspector General for Management Services.
	Assistant Inspector General for Audit.
	Dep Asst Inspect General for Audit Prog Audit.
	Asst Inspector General for Investigations.
Office of the General Counsel	Chief Counsel.
Inspector General for Tax Administration	Deputy Associate Inspector General for Investigations.
	Assistant Inspector General for Management Services.
	Deputy Inspector General for Investigations.
	Associate Inspector General for Audit.
	Counsel to the Treasury Inspector General for Tax Administration.
	Associate Inspector General for Audit (Wage and Investment).
	Associate Inspector General for Audit (Small Business and Tax Exempt).
	Deputy Inspector General for Audit.
Inspector General for Tax Administration	Assistant Inspector General for Information Technology.
	Associate Inspector General for Investigation (Investigative Support).
	Associate Inspector General for Investigations (Field Operations).
Assistant Secretary (Economic Policy)	Sr Economist.
Assistant Secretary (Tax Policy)	Dir (Economic Mod & Computer Applications).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Assistant Secretary (Management)	Deputy Chief Financial Officer.
United States Mint	Associate Dir, Information Resources/Cio.
	Chief Technology Officer.
	Associate Director for Circulation.
	Dep Assoc Dir for Finance & Dep Chief Fin Ofc.
	Associate Director for Numismatics.
	Assoc Dir for Pol & Mgmt Chf Fin Officer.
Internal Revenue Service	Regional Commissioner, Northeast.
	Regional Commissioner, Southeast.
	District Dir, Los Angeles.
	District Director, New Jersey.
	District Director, Illinois.
	District Dir., Manhattan.
	District Dir., Brooklyn.
	District Director, New England.
	District Director, N. Texas.
	District Director, Kansas-Missouri.
	District Director, Michigan.
	District Director, N California.
	District Director, Georgia.
	District Director, Tax Forms and Publications.
	Dir Martinsburg, Computing Center.
	Dir, IRS Data Center Detroit.
	Distrist Director, N Central.
	District Director, Upstate NY.
	District Director, North-South Carolina.
	District Director, Indiana.
	District Director, Kentucky-Tennessee.
	District Director, Pacific—Northwest.
	District Director, Arkansas-Oklahoma.
	District Director, Gulf Coast.
	District Director, Ohio.
	District Director, Midwest.
	District Director, Virginia-West Virginia.
	District Director, Southwest.
	District Director, Rocky Mountain.
	Assistant District Director, Illinois.
	Assistant District Director, Manhattan.
	Assistant District Director, N California.
	Asst District Director, New England.
	Assistant District Director, N Texas.
	Assistant District Director, Delaware-Maryland.
	Regional Director of Appeals-Western Region.
	Natl Dir, Equal Employ Opportunity & Diversity.
	Assistant District Director, Georgia.
	Director, Technical Contract Management Division.
	Director, Submission Processing Division.
	National Director, Commissioner's Review Group.
	Assistant to the Commissioner.
	Director, Exempt Organizations Rulings and Agreements.
	Director, Workforce Relations.
	Special Agent in Charge, New York.
	Special Agent in Charge, Chicago.
	Director, Personnel Operations—AWSS.
	Director Director, Strategy, Research & Program Planning.
	Director, Human Resources—SBSE.
	Commissioner, Tax Exempt & Government Entities Division.
	Director, Exempt Organizations Examinations.
	District Director, Delaware-Maryland.
	Assistant Commissioner (Service Center Operations).
	Asst Deputy Commissioner (Modernization).
	Dir Exempt Organizations Technical Division.
	Director, Compliance Area, Laguna Niguel—SBSE.
	Director, Retailors, Food and Pharmaceuticals.
	Director, Taxpayer Education Area, Brooklyn—SBSE.
	Director, Compliance Area.
	District Director South Texas.
	Director, Taxpayer Education Area, Dallas—SBSE.
	Director of Field Operations (Central Area)—CID.
	Director, Quality Assurance and Performance Management.
	National Director for Financial Management.
	Director, Tax Forms & Publications—W & I.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Director, Legislative Affairs Division.
	Director, Statistics of Income Division.
	Submission Processing Field Director, Memphis.
	Director, Submission Processing Center, Memphis.
	Director, Customer Service Center—Cincinnati.
	Director, Field Operations—Retailers, Food, and Pharmaceuticals.
	Director, Customer Service Center—Brookhaven.
	Director, Submission Processing Center—Kansas City.
	Director, Customer Service Center—Ogden.
	Deputy Chief, Customer Service Field Operations (Atlanta).
	Deputy Division Commissioner, Large and Mid-Size Business.
	Regional Director of Appeals.
	Director, Compliance Area, St. Paul—SBSE.
	Director, Government Entities.
	Director, Field Assistance Area (Greensboro) W & I.
	Director, Field Assistance Area (Indianapolis)—W & I.
	Director, Taxpayer Education Area, Nashville—SBSE.
	Director, Taxpayer Education Area, Seattle—SBSE.
	Compliance Service Field.
	Director, Management and Finance, SBSE.
	Asst Comr (Electronic Tax Administration).
	Director, Criminal Investigation Modernization—CID.
	Special Agent in Charge, Los Angeles.
	Director, Field Assistance Area (Phoenix)—W & I.
	Director, Compliance Area, Denver—SBSE.
	National Director for Financial Analysis.
	Assistant District Director—New Jersey.
	District Director (Illinois District).
	Deputy Chief Human Resources Officer.
	Assistant District Director, Southwest.
	Project Director.
	Deputy Director, International.
	Director, Field Assistance Area, Hartford—W & I.
	Director, Compliance Services—SBSE.
	Privacy Advocate.
	Director, Taxpayer Education Area, Baltimore—SBSE.
	Assistant Commissioner (IS National Operations).
	District Director, Central California.
	National Director of Appeals.
	Director, Appeals—LMSB.
	Project Director, San Francisco—Appeals.
	Director of Investigations, Eastern Area OPS.
	Dir of Investigations.
	Dir of Investigations, Southern Area of OPS.
	Director, Office of National Operations.
	Director of Support Services, Northeast.
	Director of Support Service, Midstates.
	Director of Support Service, Southeast.
	Chief Compliance.
	Air, Customer Serv Compliance & Mgmt Sys Div.
	Associate Inspector General for Audit (Information Systems and Financial Mgmt).
	District Director, Pennsylvania.
	National Dir, Customer Service Operations.
	Regional Director of Information Systems—Western.
	Assistant District Director, Houston.
	District Director, Houston.
	Dir of Investigations, Central Area of OPS.
	Deputy Executive Officer for Customer Service.
	Project Director.
	Deputy Chief Financial Officer.
	Chief Communications and Liaison.
	Special Assistance to Chief, Management and Finance.
	Exec Asst to the Natl Dir Ofc of Quality.
	Director of Procurement.
	Dean School of Information Technology.
	Deputy Commissioner (Operations).
	Director, Compliance Area, Baltimore—SBSE.
	District Director, North Florida District.
	Director, Field Operations—Natural Resources.
	Director, Employee Plans.
	Deputy National Taxpayer Advocate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Project Director, Joint Transition Planning Team Leader.
	National Director, Telephone Operations.
	Project Dir Disciplinary Action Review.
	Natl Dir, Submission Processing Division.
	Assistant District Director, S California.
	Asst Commissioner (Collection).
	Director, Field Assistance—W & I.
	Director, Submission Processing (Cincinnati)—W & I.
	Director, Submission Processing Center, Fresno.
	Executive Ofcr for Service Center Operations.
	Accounts Management Field Director, Brookhaven.
	Accounts Management Field Director, Cincinnati.
	Accounts Management Field Director, Odgen.
	Accounts Management Field Director, Austion—W & I.
	Natl Dir Real Estate Planning & Management.
	Director, Collection Redesign.
	Regional Director of Information Systems—Southeast.
	Deputy National Chief Appeals.
	Area Director Stakeholder Partnership Education and Communication.
	Director, Systems Support Division.
	Executive Director, Monderization Design.
	Assistant Commissioner (IS Field Operations).
	Director, Electronic Tax Administration—W & I.
	Director of Field Operations (Mid-Atlantic Area).
	Director, Compliance Area, Chicago—SBSE.
	Director, Exam, Strategy and Selection—W & I.
	Director, Customer Service Center—Andover.
	Regional Director of International Systems, NE.
	Assistant District Dir, North-South Carolina.
	Director, Customer Service Center—Atlanta.
	Director, Submission Processing Center—Philadelphia.
	National Dir, Customer Serv Planning & Syst.
	Director, Operations Policy and Support—CID.
	Director, Tennessee Computing Center.
	Director of Field Operations (Pacific Area)—CID.
	National Director, Tax Refund Fraud.
	Director, Strategy—CID.
	Deputy Chief, Criminal Investigation.
	Associate Director, Facilities Operations.
	Regional Commissioner, Midstates.
	Asst District Director, Ohio.
	Chief Compliance, SE.
	District Director, S Florida.
	Project Director.
	Director, Submission Processing Center—Brookhaven.
	Director, Natural Resources Industry—LMSB.
	Assistant District Director, Virginia—West Virginia.
	Assistant Commissioner (Product Assurance).
	Assistant Commissioner (International).
	Project Director.
	Director, Compliance Area, Philadelphia—SBSE.
	Asst Dist Dir, Virginia—West Virginia.
	Assistant District Director—Manhatan.
	Director, Submission Processing Center—Ogden.
	Director, Field Operations, Communications, Technology & Media, LMSB.
	Assistant Director Operations (Customer Service Center—Atlanta).
	Deputy National Dir of Appeals.
	Regional Commissioner, Midstates.
	Project Director.
	Director, Program and Project Management Division.
	Dep Chief Info Officer (Info Resources Mgmt).
	Chief Compliance, Western.
	Asst Comr (Forms & Submission Processing).
	Director, Field Assistance Area, Indianapolis—W&I.
	Director, Submission Processing Center—Austin.
	National Director, Compliance Specialization.
	Director, Field Operations (Natural Resources), Houston.
	Director of Field Operations (Midstates Area)—CID.
	National Director, Strategic Planning & Client Services.
	Dean School of Taxation.
	National Director Specialty Taxes.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Regional Chf Compliance, Midstates.
	Director, Field Operations—Heavy Manufacturing, Construction, & Transportation.
	Director, Learning and Education.
	Customer Service Transition Executive.
	Assistant Commissioner Office of Program E & R Analysis.
	National Dir, Electronic Program Operations.
	National Director, Communications.
	Director, Security Standards and Evaluation Office.
	Project Director.
	Director, Compliance Area, Jacksonville—SBSE.
	Director, Compliance Area, Dallas—SBSE.
	Director, Telecommunications and Operations Division.
	Dir Office of System Standards & Evaluation.
	District Director, S California.
	Project Director.
	Accounts Management Field Director.
	Director of Field Operations, North Atlantic Area—CID.
	Director, Field Operations (Heavy Manufacturing), Laguna Niguel.
	Director, Strategy, Research and Performance Management, SBSE.
	Deputy Chief, Management and Finance.
	Project Director.
	Director, Field Operations, Spec—W&I.
	Director Customer Account Services, SBSE.
	Deputy National Director, Submission Processing Div.
	Director, Customer Service Center, Philadelphia.
	Director, Program Filing and Payment Compliance—SBSE.
	Project Director, CIO.
	Director, Field Assistance Area, St Louis—W&I.
	Director, Submission Processing Center—Atlanta.
	Accounts Management Field Director—Andover.
	Project Director.
	Program Executive for Organizational Performance Management.
	National Dir, Multimedia Production Division.
	Director, Field Assistance Area, New Orleans—W&I.
	Deputy Chief, Custoemr Service Field Operations (Dallas).
	Deputy Chief Information Officer (Systems).
	Director, Employee Plans Examination.
	National Dir, Collection Field Operations.
	Compliance Service Field Director—Atlanta.
	Submission Processing Field Director—Philadelphia.
	Director, Compliance—W&I.
	Director, Field Operations—Heavy Manufacturing.
	Modernization Support Program Management Executive.
	Director, Communication, Assistance, Research & Education.
	Director, Compliance Area, Nashville—SBSE.
	Director, Customer Service Center—Memphis.
	Submission Processing Field Director—Brookhaven.
	Executive for Service Center Submission Processing.
	Accounts Management Field Dir, Kansas City—W&I.
	Regional Commissioner, Western.
	Director, Corporate Processing Division.
	Director of Support Services, Western.
	Director, Information Resources Management Office.
	Asst to the Senior Dep Commissioner.
	National Director Compliance Research.
	Chief Human Resource Officer.
	Director, Tax Exempt Bonds.
	Director, Facilities Operations.
	Assistant District Director, Pacific NW.
	Director, Submission Processing Center—Cincinnati.
	Director, Human Resources, Wages & Investment.
	Director, Financial Services and Healthcare Industry.
	Submission Processing Field Director—Ogden.
	Director, Strategy & Finance—W&I.
	Director, Appeals—SB/SE & TE/GE.
	Deputy Commissioner, Small Business/Self Employed Division.
	Deputy Director, Taxpayer Education and Communication, SBSE.
	Deputy Program Executive for Organizational Performance Management.
	Deputy Division Commissioner, Tax Exempt and Government Entities.
	Deputy Director, Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Deputy CIO (Operations).
	Director, Exempt Organizations.
	Director, International District Operations.
	Deputy Director, Customer Account Services.
	Submission Processing Field Director—Austin.
	District Director, South Texas.
	Director, Compliance Services.
	National Director for Systems & Account Stds.
	Deputy Asst Commissioner (International).
	Project Director.
	Director, Pre-Filing and Technical Guidance—LMSB.
	Deputy Director, Compliance, SBSE.
	Director, Business Systems Requirements.
	Director, Compliance, SBSE.
	Director, Collection Strategy—W&I.
	Chief of Operations Officers.
	Assistant District Director, S Florida.
	Director, Electronic Program Operations—W&I.
	Project Director.
	Director, Research, Analysis & Statistics of Income.
	Executive Director Modernization Design.
	Project Coordinator for Criminal Investigation Division Review.
	Program Executive for TT&SI.
	Asst Commr (Examination & Govntl Liaison).
	Transition Executive for Shared Services.
	Director, Finance and Administrative System Division—CIO.
	Deputy Director Systems Development.
	Director, Taxpayer Education Area, Philadelphia—SBSE.
	Compliance Service Field Director—Philadelphia.
	Submission Processing Field Director—Atlanta.
	Director, Heavy Manufacturing, Transportation & Construction Industry.
	Director, Multimedia—W&I.
	Chief, Customer Service Field Operations.
	Director, Accounts Management—W&I.
	Director, Customer Service Center—Kansas City.
	Chief, Management and Finance, LMSB.
	Accounts Management Field Director—Memphis.
	Moderization Team Executive.
	Chief, Compliance, Western.
	Director, Personnel Policy.
	Director, Field Specialists—LMSB.
	Deputy Chief Operations.
	Natl Director, Electronic Prog Enhancement.
	Director, Field Operations (Financial Services), Laguna Nigules.
	Submission Processing Field Director—Cincinnati.
	Compliance Service Field Director, Ogden—W&I.
	Program Executive for Organization Performance Management.
	Deputy Director, Business Systems Modernization.
	Executive Director Modernization Design.
	Director, Personnel Services.
	Commissioner Wage & Investment Division.
	National Director for Budget.
	Director, Taxpayer Education Area, Ft. Lauderdale—SBSE.
	Director, Research and Management System Division—CIO.
	Chief, Management and Finance.
	Senior Counselor to the Commissioner (Tax Administration, Practice and Professional Responsibility).
	Electronic Tax Administration Modernization Executive.
	Director, Communications, Technology & Media Industry, LMSB.
	Assistant Commissioner (Systems Development).
	Director, Submission Processing Center—Andover.
	Director, Customer Account Services, W&I.
	Compliance Service Field Director—Kansas City.
	Director, Customer Service Center—Fresno.
	Deputy Chief, Agencywide Shared Services.
	Director, Electronic Program Enhancement—W&I.
	Director, EEO and Diversity.
	Assistant District Director, Michigan.
	Director, Taxpayer Education and Community, SBSE.
	Submission Processing Field Director—Andover.
	Accounts Management Field Director, Fresno.
	Project Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
IRS Chief Counsel.	Project Director. Director of Field Operations (Southeast Area) CID. Division Information Officer (Wage & Investment). Asst Chief Counsel (General Litigation). Regional Counsel SE Region. Asst Chief Counsel (Criminal Tax). Asst Chief Counsel (General Legal Services). Asst Chief Counsel (Disclosure Litigation). District Counsel, New England. District Counsel, Ohio. District Counsel, New Jersey. District Counsel, S Florida. Assistant Chief Counsel (International) (Litigation). Assistant Chief Counsel (Corporation). Dep Asst Chf. Coun (Income Tax & Accounting). Assistant Chief Counsel, (Collection, Bankruptcy & Summonses). Asst Chief Counsel (Field Service). Asst Chf. Coun (Passthroughs/Spec Industries). Deputy Asst, Chief Counsel (Corporate). Regional Counsel, Midstates. Dep Assoc Chief Counsel (Fin & Management). Dep Div Counsel/Dep Asst Chief Counsel (Criminal Tax). Deputy Associate Chief Counsel (General Legal Services). Assistant Chief Counsel (Disclosure & Privacy Law). Dep Asst Chief Counsel (Field Service). Dep Asst Chief Coun (Financial Inst & Prod). Area Counsel (SBSE) (Area 7). Area Counsel (SBSE)—Los Angeles. Dep Assoc Chf Coun (Enforcement Litigation). Area Counsel (SBSE)—Philadelphia. Deputy Assoc Chief Counsel (International). Area Counsel (SBSE)—Chicago. Area Counsel (SBSE)—New York. Deputy Division Counsel #1 (SBSE). Division Counsel (Large and Mid-Size Business). Division Counsel (Small Business/Self Employed). Deputy Associate Chief Counsel (Corporate). Asst Chf Coun (Fin Institutions & Products). Area Counsel (Large & Mid-Size Business) (Area 1) (Financial) Services & Health Care. Deputy Associate Chief Counsel #2 (Passthroughs & Special Industries). Dep Asst Chief Coun (Income Tax & Accounting). Associate Chief Counsel (Procedure & Administration). Associate Chief Counsel (Passthroughs & Special Industries). Associate Chief Counsel (Corporate). Deputy Division Counsel #2 (Small Business/Self Employed). Deputy Associate Chief Counsel (Finance and Management). Deputy Associate Chief Counsel #1 (ITA). Area Counsel (LMSB) (Area 2) (Heavy Manufacturing, Construction and Transportation. Special Counsel to the National Taxpayer Advocate. Assistant Chief Counsel (International) (Technical). Associate Chief Counsel (General Legal Services). Assoc Chief Counsel (Enforcement Litigation). Area Counsel (LMSB) (Area 5) (Communications, Technology & Media). Assistant Chief Counsel (Administrative Provisions & Judicial Practice). Special Counsel (Modernization & Strat Plnng. Area Counsel (SBSE)—Jacksonville. Deputy Associate Chief Counsel (Procedure and Administration). Deputy Division Counsel (Large and Mid-Size Business). Deputy Chief Counsel, (Technical). Area Counsel (SBSE)—Dallas. Deputy Associate Chief Counsel #2 (Income Tax and Accounting). Deputy Division Counsel, and Deputy Associate Chief Counsel (Tax Exempt & Government Entities). Asst Chief Counsel (EBEO). Area Counsel, LMSB (Area 3) (Food, Mass Retailers, & Pharmaceuticals). Dep Assoc Chief Counsel (Domestic) (Technical).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Associate Chief Counsel/Operating Division Counsel (Tege).
	Dep Assoc Chief Coun (Domestic) (Field Serv).
	Deputy Chief Counsel (Operations).
	Assistant Chief Counsel (EO/ET/GE).
	Associate Chief Counsel (Income Tax and Accounting).
	Area Counsel (LMSB) (Area 4) (Natural Resources).
	Area Counsel (SBSE)—Denver.
	Deputy Associate Chief Counsel #1 (Passthroughs & Special Industries).
	Assoc Chief Counsel (Domestic).
	Division Counsel/Associate Chief Counsel (Criminal Tax).
Regional Counsels	District Counsel—Los Angeles.
	District Counsel, Pennsylvania.
Regional Counsels	District Counsel, Illinois.
	District Counsel, Manhattan.
	District Counsel, N Texas.
	Regional Counsel, S California.
	District Counsel, Western.
	Deputy Regional Counsel, Northeast.
	Regional Counsel, Northeast.
	District Counsel, Pacific Northwest.
	District Counsel, Delaware—Maryland.
	District Counsel, Brooklyn.
	Deputy Regional Counsel, Midstates.
	District Counsel, Houston.
	District Counsel, Rocky Mountain.
U.S. Agency for International Development:	
Office of the Administrator	Counselor to the Agency.
Office of the General Counsel	Deputy General Counsel.
	Asst General Counsel for Ethics & Adm.
Office of the Inspector General	Assistant Inspector General For Management.
	Deputy Assistant Inspector General for Audit.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Security	Director, Office of Security.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Programs.
Bureau for Global Programs, Field Support and Research	Assoc Asst Admr Center For Economic Growth.
	Senior Deputy Assistant Administrator.
	Dep Asst Admr, Ctr for Pop, Health, Nutr.
	Associate Assistant Administrator.
Bureau for Europe and Eurasia	Deputy Asst Administrator.
Bureau for Management	Chf Fin Ofcr, Office of Financial Management.
	Dir Office of Information Resource Management.
	Deputy Director Ofc of Procurement.
	Deputy Director, Office of Human Resources.
Bureau for Management	Dir, Ofc of Admin Services.
	Deputy Director, Opc of Procurement.
	Deputy Asst Admr Bureau for Management.
	Dep Director, Office of Financial Management.
U.S. Arms Control and Disarmament Agency:	
Strategic and Eurasian Affairs Bureau	Chief, Strategic Transition Division.
U.S. International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir. Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Secretary and Deputy	Director, Office of EDCA.
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General For Investigations.
	Dep Inspector General.
	Asst Inspector Gen for Dept Rev & Magnt Sup.
	Dep Asst Inspector General for Investigations.
	Counselor to the Inspector General.
	Asst Inspector General for Healthcare Inspect.
	Dep Asst Inspector General for Auditing.
	Deputy Assistant Inspector General for Healthcare Inspections.
	Deputy Assistant Inspector General for Management and Administration.
Board of Veterans Appeals	Vice Chairman.
Office Assistant Secretary For Financial Management	Deputy for Management.
	Corefls Project Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2000—Continued

Agency/organization	Career reserved positions
Office of Finance	Deputy Assistant Secretary for Finance.
	Assoc Dep Asst Secy for Fiancial Operations.
	Director, Financial Services Center.
Office of Acquisition and Materiel Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions.
Office of Acquisition and Materiel Management	Assoc Dep Asst Secy for Prog Mgmt & Oper.
	Executive Director/Chief Operating Officer.
Ofc Asst Secy for Planning and Analysis	Chief Actuary.
Office of Human Resources Management	Assoc Dep Asst Secy for Human Res Management.
	Assoc Dep Asst Secy for Human Res Management.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Office of Asst Secretary for Information and Technology	Dir, VA Automation Ctr, Austin, TX.
	Assoc Dep Asst Secy for Telecommunications.
	Assoc Dep Asst Secy for Pol & Prog Assistance.
National Cemetery Administration	Director, Office of Finance and Planning.
	Director, Office of Construction Management.
Veterans Benefits Administration	Deputy Chief Financial Officer.
	Dep Dir Compensation & Pension Service.
	Chief Financial Officer.
Veterans Health Administration	Director, Resource Formulation Office.
	Dir, Office of Real Property Management.
	Dir VA/DOD Medical Sharing Office.
	Dir, Medical Care Cost Recovery Office.
	Dir Emergency Medical Preparedness Office.
	Deputy Director Emergency Medical Prep Ofc.
	Chief Financial Officer.
	Director, Western Area Office.
	Director, Eastern Area Office.
	Director, Facilities Quality Office.
	Dir Consulting Support Office.
	Director, Financial Management Office.
	Associate Chief Financial Officer for Compliance.
	Deputy Chief Financial Officer.
	Associate Chief Facilities Management Officer for Strategic Management.
	Associate Chief Facilities Management Officer for Service Delivery.
	Deputy Associate Chief Facilities Management Officer for Service Delivery.
	Associate Chief Facilities Management Officer for Resource Management.
	Deputy Chief Information Officer.
	Chief Operating Officer.
Veterans Integrated Service Network Directors	Dir Canteen Service.

[FR Doc. 01– 4112 Filed 2–22–01; 8:45am]

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Federal Register

Friday,
February 23, 2001

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–08]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V Information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center, Planning Branch, 441 G Street, Washington, DC 20314–1000; (202) 761–5737; (These are not toll-free numbers).

Dated: February 15, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 2/23/01

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only.

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only.

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only.

Alaska

Fort Richardson
Fort Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930118
Status: Excess
Comment: 3230 sq. ft., most recent use—admin., off-site use only.

Bldg. 08100
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020157
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09100, 09104–09106
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army

Property Number: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09128, 09129
Fort Richardson
Fort Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only.

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only.

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only.

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only.

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030068
Status: Excess
Comment: 4508 & 6366 sq. ft., most recent use—hazard bldg., off-site use only.

Bldg. 01204
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030069
Status: Excess
Comment: 5578 sq. ft., most recent use—VOQ transient, off-site use only.

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only.

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only.

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030072
Status: Excess
Comment: 11964 & 13740 sq. ft., most recent use—transient UPH, off-site use only.

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030073
Status: Excess
Comment: 480 & 188 sq. ft., most recent use—hazard bldgs., off-site use only.

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030074
Status: Excess
Comment: 458 & 4260 sq. ft., most recent use—hazard bldgs., off-site use only.

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only.

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only.

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only.

Bldg. 03002
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030078
Status: Excess
Comment: 7480 sq. ft., most recent use—storage, off-site use only.

Bldg. 03725
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030079
Status: Excess
Comment: 7200 sq. ft., most recent use—veh. maint. shop, off-site use only.

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only.

Bldg. 21001
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030081
Status: Excess
Comment: 3200 sq. ft., most recent use—family housing, off-site use only.

Bldg. 22001
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030082
Status: Excess
Comment: 1448 sq. ft., most recent use—family housing, off-site use only.

Bldg. 22002
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21200030083
Status: Excess
Comment: 1508 sq. ft., most recent use—family housing, off-site use only.

Arizona

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only.

Bldg. S–503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only.

5 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 44101, 44102, 44124, 44125, 44201
Landholding Agency: Army
Property Number: 21199840129
Status: Excess
Comment: various sq. ft. & bdrm units, presence of asbestos/lead paint, most recent use—family housing, off-site use only.

Bldgs. 12521, 13572
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199920183
Status: Unutilized
Comment: 448 sq. ft. & 54 sq. ft., off-site use only.

Bldgs. 43101–43109
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199940001
Status: Excess
Comment: 969 sq. ft., per unit, 2-units per bldg., wood/stucco, presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. 72908
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010079
Status: Unutilized
Comment: 16,491 sq. ft., presence of asbestos/lead paint, most recent use—veh. maint., off-site use only.

Bldg. 63001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010080
Status: Unutilized
Comment: 2280 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

8 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 13570, 15701, 70650, 70651, 87848, 87850, 87851, 87853
Landholding Agency: Army
Property Number: 21200010081
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15542, 15546
Landholding Agency: Army
Property Number: 21200010082
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only.

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15544, 15552
Landholding Agency: Army
Property Number: 21200010083
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only.

Bldg. 15543
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most recent use—rec. shelter, off-site use only.

7 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15550, 70108, 70109, 84004, 84107, 84108, 87852
Landholding Agency: Army
Property Number: 21200010085
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

34 Bldgs.
Fort Huachuca
Location: 62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200020166
Status: Unutilized
Comment: 658 & 587 sq. ft., presence of asbestos/lead paint, most recent use—one bedroom family housing, off-site use only.

California

Bldg. 104
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910088
Status: Unutilized
Comment: 8039 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 106
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910089
Status: Unutilized
Comment: 1950 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, off-site use only.

Bldg. 125
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910090
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 340
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910093
Status: Unutilized
Comment: 6500 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 341
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910094
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 4214
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910095
Status: Unutilized
Comment: 3168 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Landholding Agency: Army
Property Number: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only.

Bldg. S251
Army Reserve
6357 Woodly Ave.
Van Nuys Co: Los Angeles CA 91406–6496
Landholding Agency: Army
Property Number: 21200040043
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos, most recent use—storage, off-site use only.

Connecticut

Bldg. DKL12
USARC Middletown
Middletown Co: Middlesex CT 06457–
Landholding Agency: Army
Property Number: 21200030084
Status: Unutilized
Comment: 39 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—sentry station, off-site use only.

Georgia

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199011704
Status: Unutilized
Comment: 4574 sq. ft., most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220712
Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410269
Status: Unutilized
Comment: 70 sq. ft., 1 story, metal, needs rehab, most recent use—storage, off-site use only.

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410270
Status: Unutilized
Comment: 85 sq. ft., 1 story, needs rehab, most recent use—storage, off-site use only.

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410272
Status: Unutilized
Comment: 2788 sq. ft., 1 story, wood, needs rehab., most recent use—maintenance shop, off-site use only.

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410273
Status: Unutilized
Comment: 195 sq. ft., 1 story, wood, most recent use—oil storage shed, off-site use only.

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 2141
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only.

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only.

Bldgs. 2865, 2869, 2872
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only.

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only.

8 Bldgs.
Fort Benning
4700–4701, 4704–4707,
4710–4711
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only.

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only.

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility, off-site use only.

Bldgs. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq ft., needs rehab, most recent use—company headquarters bldg., off-site use only.

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810268
Status: Unutilized
Comment: 4,083 sq. ft., most recent use—recreation center, off-site use only.

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only.

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only.

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810276
Status: Unutilized
Comment: 2,998 sq. ft., most recent use—admin., off-site use only.

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only.

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810287
Status: Unutilized
Comment: 5,483 sq. ft., most recent use—admin., off-site use only.

Bldg. 92
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2445
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830279
Status: Unutilized
Comment: 2,385 sq. ft., needs rehab., most recent use—fire station, off-site use only.

Bldg. 4232
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830291
Status: Unutilized
Comment: 3,720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only.

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only.

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only.

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only.

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930123
Status: Unutilized
Comment: 2481 sq. ft., most recent use—admin., off-site use only.

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only.

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only.

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only.

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only.

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg, off-site use only.

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only.

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only.

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—maint/storage, off-site use only.

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only.

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only.

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only.

Bldg. 2214
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020171
Status: Unutilized
Comment: 13,508 sq. ft., possible asbestos/lead paint, most recent use—storage/admin., off-site use only.

Bldg. 2233
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020172
Status: Unutilized
Comment: 1,720 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030085
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030086
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030087
Status: Excess
Comment: 7,496 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030088
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030089
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030090
Status: Excess
Comment: 9,267 sq. ft., poor condition, most recent use—supply center, off-site use only.

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030091
Status: Excess
Comment: 9,024 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030092
Status: Excess
Comment: 7,496 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030093
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. P–7751
Fort Stewart
Hinesville Co: Liberty GA 31514–
Landholding Agency: Army
Property Number: 21200030097
Status: Excess
Comment: 192 sq. ft., poor condition, off-site use only.

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose.

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose.

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040046
Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage.

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage.

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop.

Hawaii

P–88
Aliamanu Military
Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive
Landholding Agency: Army
Property Number: 21199030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only.

Illinois

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only.

Kansas

Bldg. 166, Fort Riley

Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21199410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District.

Bldg. P–390
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only.

Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only.

Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only.

Bldg. P–347
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820158
Status: Unutilized
Comment: 2135 sq. ft., most recent use—bath house, off-site use only.

Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only.

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only.

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only.

Bldg. P–242
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820202
Status: Unutilized
Comment: 4680 sq. ft., most recent use—storage, off-site use only.

Bldg. P–175
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930140
Status: Unutilized
Comment: 12,129 sq. ft., most recent use—storage, off-site use only.

Bldg. P–223
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930146
Status: Unutilized
Comment: 7,174 sq. ft., most recent use—storage, off-site use only.

Bldg. T–236
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930147
Status: Unutilized
Comment: 4563 sq. ft., most recent use—storage, off-site use only.

Bldg. P–241
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199930148
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only.

Bldg. T–257
Fort Leaveworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930149
Status: Unulitized
Comment: 5920 sq. ft., most recent use—storage, off-site use only.

Kentucky

Bldg. 02813
Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 21200030102
Status: Unutilized
Comment: 60 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—shed, off-site use only.

Louisiana

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640524
Status: Underutilized
Comment: 1029 sq. ft., most recent use—Office.

Bldg. 8407, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640525
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8408, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640526
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640527
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 2119964029
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landlanding Agency: Army
Property Number: 21199640530
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640531
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640532
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640533
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640534
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640535
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640536
Status: Underutilized

Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640537
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8446, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640538
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8449, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office.

Bldg. 8450, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640542
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640543
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640544
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640545
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640546
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640547
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640548
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office.

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office.

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640551
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640552
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640553
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640555
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640556
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640557
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640558
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Maryland

Bldg. 370
Fort Meade
Fort Meade Co: Anne Arundel MD 20755–5155
Landholding Agency: Army
Property Number: 21199730256
Status: Unutilized
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint.

Bldg. 2472
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740306
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 4700
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740309
Status: Unutilized
Comment: 36,619 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 6294
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199810302
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—custodial, off-site use only.

Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940026
Status: Unutilized
Comment: 2534 sq. ft., needs rehab, presence of asbestos, most recent use—health clinic, off-site use only.

Bldg. 2845
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940027
Status: Unutilized
Comment: 6104 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 176
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020187
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2831
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200030103
Status: Unutilized
Comment: 9652 sq. ft., presence of asbestos/lead paint, most recent use—dental clinic, off-site use only.

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 21199230260
Status: Underutilized
Comment: 18,270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340212
Status: Unutilized
Comment: 1290 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only.

Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only.

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199710138
Status: Underutilized
Comment: 9267 sq. ft. each, most recent use—storage/general purpose.

Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730276
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730279
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730282
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only.

Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810305
Status: Unutilized

Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only.

Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810309
Status: Unutilized
Comment: 2400 sq. ft. each, presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.

Bldg. 2111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810312
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only.

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810322
Status: Unutilized
Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 386
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820163
Status: Unutilized
Comment: 4902 sq. ft., presence of asbestos/lead paint, most recent use—fire station, off-site use only.

Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820166
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2155
Fort Leonard Wood
62001–62022, 74001–64012
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only.

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only.

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 6036
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910101
Status: Underutilized
Comment: 240 sq. ft., off-site use only.

Bldg. 9110
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910108
Status: Underutilized
Comment: 6498 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldgs. 9113, 9115, 9117
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910109
Status: Underutilized
Comment: 4332 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldg. 493
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 21199930158
Status: Unutilized
Comment: 26,936 sq. ft., concrete, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 1178
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040058
Status: Unutilized
Comment: 3203 sq. ft., most recent use—fire station, off-site use only.

New Hampshire

Bldg. KG001
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030104
Status: Excess
Comment: 18,994 sq. ft., presence of asbestos, most recent use—classroom, off-site use only.

Bldg. KG002
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030105
Status: Excess
Comment: 20,014 sq. ft., presence of asbestos, most recent use—storage/store, off-site use only.

Bldg. KG003
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030106
Status: Excess
Comment: 3458 sq. ft., presence of asbestos, most recent use—veh. maint., off-site use only.

Bldg. KG005
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Landholding Agency: Army
Property Number: 21200030107
Status: Excess
Comment: 3005 sq. ft., presence of asbestos, most recent use—storage, off-site use only.

New Jersey

Bldg. 178
Armament R&D Engineering
Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only.

Bldg. 642
Armament R&D Engineering
Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740314
Status: Unutilized
Comment: 280 sq. ft., most recent use—explosives testing, off-site use only.

Bldg. 732
Armament R&D Engineering
Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 3117
Armament R&D Engineering
Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740322
Status: Unutilized
Comment: 100 sq. ft., most recent use—sentry station, off-site use only.

Bldg. 3219
Armament R&D Engineering
Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only.

New Mexico

9 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11201, 12210, 11214, 11217, 11220, 11223, 11244, 11247, 11264
Landholding Agency: Army
Property Number: 21200040062
Status: Unutilized
Comment: 1620 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

19 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11202, 12209, 11212, 11216, 11219, 11222, 11224, 11227, 11236, 11241, 11242, 11245, 11249, 11253, 11257, 11260, 11263, 11270, 11273
Landholding Agency: Army
Property Number: 21200040063
Status: Unutilized
Comment: 1606 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

34 MFU Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21200040064
Status: Unutilized
Comment: 1512 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

12 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11204, 11207, 11226, 11229, 11232, 11235, 11238, 11251, 11255, 11258, 11261, 11266
Landholding Agency: Army
Property Number: 21200040065
Status: Unutilized
Comment: 1590 sq. ft. each, major repairs required, presence of abestos, most recent use—housing, off-site use only.

Bldg. 23644
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21200040066
Status: Unutilized
Comment: 80 sq. ft., poor condition, presence of abestos, most recent use—equp. facility, off-site use only.

New York

Bldg. 801
US Military Academy
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 21200030108
Status: Unutilized
Comment: 27,726 sq. ft., needs repair, possible lead paint, most recent use—warehouse, off-site use only.

Bldg. 109, 110
Fort Hamilton
Brooklyn Co: NY 11252–
Landholding Agency: Army
Property Number: 21200040067
Status: Unutilized
Comment: 39,723 sq. ft., needs repair, presence of asbestos, most recent use—guest house, off-site use only.

Bldg. T–2276
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200040069
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—officer's quarters, off-site use only.

Oklahoma

Bldg. T–838, Fort Sill
838 Macomb Road
L:awton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removeal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only.

Bldg. P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only.

6 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: P–6449, S–6451, T–6452, P–6460, P–6463, S–6450
Landholding Agency: Army
Property Number: 21199710085
Status: Unutilized

Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only.

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Landholding Agency: Army
Property Number: 21199710086
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off site use only.

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730344
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldg. T–214
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldgs. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only.

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730351
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730362
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2180
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730363
Status: Unutilized
Comment: possible asbestos/lead paint, most recent use—vehicle maint. facility, off-site use only.

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730365
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730366
Status: Unutilized
Comment: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint shop, off-site use only.

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730369
Status: Unutilized
Comment: approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730370
Status: Unutilized
Comment: approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint shop, off-site use only.

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730371
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730372
Status: Unutilized
Comment: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

5 Bldgs.
Fort Sill

T–2300, T–2301, T–2303, T–2306, T–2307
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730373
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2406
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730374
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

3 Bldgs.
Fort Sill
#T–2430, T–2432, T–2435
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730376
Status: Unutilized
Comment: approx. 8900 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–2434
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730377
Status: Unutilized
Comment: 8997 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only.

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730383
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730384
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only.

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. T–4021, T–4022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730389
Status: Unutilized
Comment: 442–869 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4065
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730390
Status: Unutilized
Comment: 3145 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldg. T–4067
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730391
Status: Unutilized
Comment: 1032 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only.

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Fort Sill
#T–44111 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Landholding Agency: Army
Property Number: 21199730400
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: 4441, T–4442, T–4443, T–4446, T–4447
Landholding Agency: Army
Property Number: 21199730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730410
Status: Unutilized
Comment: 1,798/1,806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only.

4 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–5046, T–5047, T–5048, T–5049
Landholding Agency: Army
Property Number: 21199730411
Status: Unutilized
Comment: various sq ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730414
Status: Unutilized

Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only.

Bldg. T–5639
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730416
Status: Unutilized
Comment: 10,720 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only.

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730419
Status: Unutilized
Comment: 1,452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only.

Bldg. T–207
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910130
Status: Unutilized
Comment: 19,531 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. P–364, P–584, P–588
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910131
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.

Bldg. P–599
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910132
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only.

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386, P–1608,
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. P–1908, P–2078
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910136
Status: Unutilized
Comment: 106 & 131 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.

Bldg. P–2183
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910139
Status: Unutilized
Comment: 14,530 sq. ft., possible asbestos/lead paint, most recent use—repair shop, off-site use only.

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910144
Status: Unutilized
Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. S–3169
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910145
Status: Unutilized
Comment: 6437 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–3469
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910147
Status: Unutilized
Comment: 3930 sq. ft., possible asbestos/lead paint, most recent use—car wash, off-site use only.

Bldg. S–3559
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910148
Status: Unutilized
Comment: 9462 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. S–4064
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910149
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, off-site use only.

Bldg. T–4748
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910151
Status: Unutilized
Comment: 1896 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. S–5086
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910152
Status: Unutilized
Comment: 6453 sq. ft., possible asbestos/lead paint, most recent use—maintenance shop, off-site use only.

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. P–5638
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910155
Status: Unutilized
Comment: 300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 21199910156
Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only.

Bldg. S–7960
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199930159
Status: Unutilized
Comment: 120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–7961
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199930160
Status: Unutilized
Comment: 36 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1931
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010126
Status: Unutilized
Comment: 807 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1932
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010127
Status: Unutilized
Comment: 1620 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–4063
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010129
Status: Unutilized
Comment: 4820 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only.

South Carolina

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage.

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—training bldg., off-site use only.

Texas

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. 4480, Fort Hood
Ft. Hood Co: Bell TX 76544—
Landholding Agency: Army
Property Number: 21199410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199440454
Status: Excess
Comment: 400 sq. ft., 1-story concrete frame, off-site removal only, most recent use—detached garage.

Bldg. 4201, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only.

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only.

Building 4630
Fort Hood
Fort Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199710088
Status: Unutilized
Comment: 21,833 sq. ft., most recent use—Admin., off-site use only.

Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only.

Bldg. S–1150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730317
Status: Unutilized
Comment: 8629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only.

Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only.

Bldg. T–5903
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730332
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.

Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.

Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only.

Bldg. S–1155
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830347
Status: Unutilized
Comment: 2100 sq. ft., good, hazard abatement required, most recent use—instruction bldg., off-site use only.

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only historical significance.

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—Pumphouse, off-site use only.

Bldgs. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair, hazard abatement required, most recent use—pumping station, off-site use only.

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Landholding Agency: Army
Property Number: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Landholding Agency: Army
Property Number: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Landholding Agency: Army
Property Number: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Landholding Agency: Army
Property Number: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Landholding Agency: Army
Property Number: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C
Landholding Agency: Army
Property Number: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8021, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Landholding Agency: Army
Property Number: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830366
Status: Unutilized
Comment: 1849 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8106C, 8127C, 8206C
Landholding Agency: Army
Property Number: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldgs. P8026, P8028
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830369
Status: Unutilized
Comment: approx. 1850 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Landholding Agency: Army
Property Number: 21199830370
Status: Unutilized
Comment: 838 sq. ft., fair, hazard abatement, required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Landholding Agency: Army
Property Number: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Landholding Agency: Army
Property Number: 21199830375
Status: Unutilized
Comment: 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Landholding Agency: Army
Property Number: 21199830380
Status: Unutilized

Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Landholding Agency: Army
Property Number: 21199830382
Status: Unutilized
Comment: various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8122, P8123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830383
Status: Unutilized
Comment: approx. 1400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830384
Status: Unutilized
Comment: 1331 sq. ft., fair, hazard abatement required, most recent use—detached housing, off-site use only.

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8131C, 8139C, 8203C, 8231C, 8243C, 8249C, 8261C
Landholding Agency: Army
Property Number: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldgs. P8133, P8134
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830387
Status: Unutilized
Comment: approx. 2000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8135, P8136
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830388
Status: Unutilized
Comment: approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8144, 8267, 8148, 8149
Landholding Agency: Army
Property Number: 21199830389
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830393
Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830394
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830397
Status: Unutilized
Comment: 892 sq. ft., fair, hazard abatement required, most recent use—officers quarters, off-site use only.

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8232, 8233
Landholding Agency: Army
Property Number: 21199830400
Status: Unutilized
Comment: approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830403
Status: Unutilized
Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only.

Bldg. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830404
Status: Unutilized
Comment: 2396 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8132, 8238, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Landholding Agency: Army
Property Number: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only.

Bldg. 41
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920208
Status: Unutilized
Comment: 1750 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only.

Bldg. 923
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920213
Status: Unutilized
Comment: 4440 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldg. 924
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army

Property Number: 21199920214
Status: Unutilized
Comment: 3500 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldg. 3959
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920224
Status: Unutilized
Comment: 3373 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldgs. 3967–3969
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920228
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—admin., off-site use only.

Bldgs. 3970–3971
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920229
Status: Unutilized
Comment: 3241 sq. ft., needs repair, most recent use—admin., off-site use only.

4 Bldgs.
Fort Sam Houston
S6161, S6162, S6167, S6168
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010132
Status: Unutilized
Comment: 900 sq. ft., needs major repairs, most recent use—admin., off-site use only.

Bldg. S1448
Fort Sam Houston
San Antonio Co: Bexar TX
Landholding Agency: Army
Property Number: 21200010133
Status: Unutilized
Comment: 4200 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T5001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010134
Status: Unutilized
Comment: 1186 sq. ft., needs major repairs, possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. S6163
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010136
Status: Unutilized
Comment: 3200 sq. ft., needs major repairs, most recent use—admin., off-site use only.

Bldg. S6169
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010137
Status: Unutilized
Comment: 1800 sq. ft., needs major repairs, most recent use—admin., off-site use only.

Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only.

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only.

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only.

Bldg. P–8219
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200030110
Status: Excess
Comment: 2456 sq. ft., presence of asbestos/lead paint, most recent use—family house, off-site use only.

Bldg. 4422
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030111
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Bldg. 4423
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030112
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Bldg. 4462
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030113
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Bldg. 4463
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030114
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Bldg. 4464
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030115
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Bldg. 4469
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200030116
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only.

Virginia

Bldg. 178
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940046
Status: Unutilized
Comment: 1180 sq. ft., needs repair, most recent use—storage, off-site use only.

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only.

Bldg. TT0114
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020209
Status: Unutilized
Comment: 1440 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. TT0130
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020213
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.

Bldg. TT0131
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020214
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.

Bldg. TT0132
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020215
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.

Bldg. TT0133
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020216
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only.

Bldg. TT0139
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020217
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. TT0158
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020218
Status: Unutilized
Comment: 361 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. TT0163
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020219
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only.

Bldg. P1530
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020222
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage., off-site use only.

Bldgs 1630, 1633, 1636
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200030119
Status: Unutilized
Comment: 720 sq. ft., most recent use—storehouse, off-site use only.

Washington

13 Bldgs., Fort Lewis
A0402, CO723, CO726, CO727, CO902, CO907, CO922, CO923, CO926, CO927
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

7 Bldgs., Fort Lewis
AO438, AO439, CO901, CO910, CO911
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630200
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only.

6 Bldgs. Fort Lewis
CO908,CO728,CO921,CO928,C1008
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. CO920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630206
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98333–
Landholding Agency: Army
Property Number: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. E0202
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. E0347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only.

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720217
Status: Unutilized
Comment 992 sq. ft. and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. C0509, C0709, C0720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only.

4 Bldgs.
Fort Lewis
C0511, C0710, C0711, C0719
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only.

11 Bldgs.

Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: CO528, CO701, CO708, CO721, CO526, CO527, CO702, CO703, CO706, CO707, CO722
Landholding Agency: Army
Property Number: 21199810374
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dining, off-site use only.

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. A0631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. B0813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. B0812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only.

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only.

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, U091A, U093C
Landholding Agency: Army
Property Number: 21199920239
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U003A, U004B, U006C, U015B, U016B, U019B
Landholding Agency: Army
Property Number: 21199920240
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only.

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, offsite use only.

Bldg. U006A, U024A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920243
Status: Excess
Comment: 1440 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldgs. U007A, U021A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920244
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Landholding Agency: Army
Property Number: 21199920245
Status: Excess
Comment: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only.

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldgs. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U024B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920249
Status: Unutilized
Comment: 168 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only.

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA –
Landholding Agency: Army
Property Number: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only.

Bldgs. U028A–U032A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920252
Status: Unutilized
Comment: 72 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U040D

Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only.

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U058A, U103A, U018A
Landholding Agency: Army
Property Number: 21199920266
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U101B, U101C, U507B, U557A
Landholding Agency: Army
Property Number: 21199920269
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U102B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920270
Status: Excess
Comment: 1058 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U108A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920271
Status: Excess
Comment: 31,320 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U111A, U015A, U024E, U052F, U109A, U110A
Landholding Agency: Army
Property Number: 21199920273
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only.

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U516B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920277
Status: Excess
Comment: 500 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: F0002, F0004, F0003, F0005, F0006, F0008, F0009
Landholding Agency: Army
Property Number: 2119920278
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. F0022A
Fort Lewis

Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920279
Status: Excess
Comment: 4373 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gen. inst., off-site use only.

Bldg. F0022B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920280
Status: Excess
Comment: 3100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only.

Bldg. A0220
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920282
Status: Excess
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—club facility, off-site use only.

18 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: A0337, A0617, B0820, B0821, C0319, C0833, C0310, C0311, C0318, C1019, D0712, D0713, D0720, D0721, D1108, D1153, C1011, C1018
Landholding Agency: Army
Property Number: 2119920283
Status: Excess
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 2119920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C0302, C0303, C0306, C0322, C0323, C0326, C0327
Landholding Agency: Army
Property Number: 2119920285
Status: Excess
Comment: 2340 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

12 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C1002, C1003, C1006, C1007, C1022, C1023, C1026, C1027, C1207, C1301, C1333, C1334
Landholding Agency: Army
Property Number: 21199920287
Status: Excess
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. E1010
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920288
Status: Excess
Comment: 148 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. D1154
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920289
Status: Excess
Comment: 1165 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920290
Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920294
Status Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only.

Bldg. 02082
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920295
Status : Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldgs. 03100, 3101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920297
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldgs. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only.

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 9843–
Landholding Agency: Army
Property Number: 21199920304
Status: Excess
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldgs. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only.

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only.

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop, off-site use only.

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. 9939
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920313
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

Bldg. 607
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030120
Status: Unutilized
Comment: 10,120 sq. ft., National Historic Preservation Act requirements, most recent use—office.

Bldg. 614
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030121
Status: Unutilized
Comment: 38,981 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 626
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030122
Status: Unutilized
Comment: 1710 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 628
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030123
Status: Unutilized
Comment: 2621 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 636
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030124
Status: Unutilized
Comment: 9686 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

Bldg. 638
Vancouver Barracks
Vancouver Co: Clark WA 98661–3826
Landholding Agency: Army
Property Number: 21200030125
Status: Unutilized
Comment: 33,822 sq. ft., National Historic Preservation Act requirements, most recent use—admin.

LAND (by State)

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Maryland

13 acres
Fort George G. Meade
West side of Rt 175
Ft. Meade Co: Anne Arundel MD 20755–5111
Landholding Agency: Army
Property Number 211999930151
Status: Underutilized
Comment: small paved area, remainder wooded.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801–
Landholding Agency: Army
Property Number: 21199540018
Status: Unutilized
Comment: 9.6 acres of vacant land, located in industrial area, potential utilities.

300 acres
U.S. Military Academy
Highlands Co: Orange NY 10996–1529
Landholding Agency: Army
Property Number: 21200040070
Status: Unutilized
Comment: approx. 300 acres, contains wetlands and rare flora.

Texas

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Castner Range
Fort Bliss
El Paso Co: El Paso TX 79916—
Landholding Agency: Army
Property Number: 21199610788
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Suitable/Unavailable Properties

BUILDINGS (by State)

Georgia

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905—
Landholding Agency: Army
Property Number: 21199630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only.

Kansas

Bldg. P–295
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027—
Landholding Agency: Army
Property Number: 21199810296
Status: Unutilized
Comment: 3480 sq. ft., concrete, most recent use—underground storage, off-site use only.

Missouri

Bldg. 2172
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040059
Status: Unutilized
Comment: 2892 sq ft., most recent use—operations, off-site use only.

Bldg. 5041
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040060
Status: Unutilized
Comment: 1000 sq. ft., most recent use—classroom, off-site use only.

Bldg. 5286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Landholding Agency: Army
Property Number: 21200040061

Status: Unutilized
Comment: 1000 sq. ft., most recent use—range support bldg., off-site use only.

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District.

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District.

Land (by State)

North Carolina

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610728
Status: Underutilized
Comment: municipal drinking waterwell, restricted by explosive safety regs., New Hanover County Buffer Zone.

10 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610729
Status: Underutilized
Comment: municipal park, restricted by explosive safety regs., New Hanover County Buffer Zone.

257 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610730
Status: Underutilized
Comment: state park, restricted by explosive safety regs., New Hanover County Buffer Zone.

24.83 acres—Tract of Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199620685
Status: Underutilized
Comment: 24.83 acres, municipal park, most recent use—New Hanover County explosive buffer zone.

Unsuitable Properties

Buildings (by State)

Alabama

12 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 21200040001–21200040012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

52 Bldgs., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219310016, 219330003, 219340116, 219340124, 219410022, 219520057–219520058, 219640440, 219710091, 219730009, 219740004, 219740006, 219810010, 219830002, 21199910001, 21199930019, 21200010010, 21200040013
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 25203, 25205–25207, 25209
Fort Rucker
Stagefield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020
Status: Unutilized
Reason: Secured area.

Alaska

8 Bldgs., Fort Wainwright
Ft. Wainwright, AK 99703
Landholding Agency: Army
Property Number: 219710090, 219710195–219710198, 219810002, 219810007, 21199920001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured area—Floodway (Some are extensively deteriorated).

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area.

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area.

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area.

Arkansas

177 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019–219630029, 219640462–219640477
Status: Unutilized
Reason: Extensive deterioration.

88 Bldgs., Fort Chaffee
Maneuver Training Center
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200110001–21200110017
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material—Secured Area.

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area.

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area.

22 Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219610289, 219610291, 21199930021, 21200010011–21200010013, 21200020028–21200020030, 21200030004–21200030015, 21200040015
Status: Unutilized
Reason: Secured Area.

Bldgs.29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1103, 1131, 1120, 341, 1160
Parks Reserve Forces Training Area
Dublin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056, 219830010, 21200110021–21200110022
Status: Unutilized
Reason: Extensive deterioration.

10 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 21199840015, 21199920033–21199920036, 21199940052–21199940056
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

449 Bldgs.
Camp Roberts
Camp Roberts Co: San Obispo CA
Landholding Agency: Army
Property Number: 21199730014, 219820192–219820235
Status: Excess

Reason: Secured Area—Extensive deterioration.

30 Bldgs.
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944
Landholding Agency: Army
Property Number: 219810380–219810381, 21199930106–21199930108, 21199940050–2119940051
Status: Unutilized
Reason: Extensive deterioration.

32 Bldgs.
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 21199920037–21199920038, 21200030016–21200030018, 21200040014, 21200110018–21200110020
Status: Unutilized
Reason: Extensive deterioration.

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016,
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area—Extensive deterioration.

34 Bldgs. Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219830020–219830030, 21199910008, 21199930022, 21199930025
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 00087, 00088, 00096
Pueblo Chemical Depot
Pueblo CO 81006–9330
Landholding Agency: Army
Property Number: 21200030019–21200030021
Status: Unutilized
Reason: Extensive deterioration.

Connecticut

Bldgs. DK001, DKL05, DKL10
USARC Middletown
Middletown Co: Middlesex CT 06457–1809
Landholding Agency: Army
Property Number: 219810024–219810026
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment.

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack.

207 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219320026, 219410050–219410060, 219410071–219410072, 219410100, 219410109, 219410114–219410115, 219610336, 219630044–219630067, 219640011–219640037, 219710094, 219730020, 219810027, 219830034–219830067, 21199910012, 21199940059, 21200020032, 21200030022
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220335–219220337
Status: Unutilized
Reason: Detached lavatory.

29 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610320–219610321, 219640046, 219720017–219720022, 219810028–219810031, 219810035, 219830073–219830083, 21199930031–21199930037, 21200030023–21200030028
Status: Unutilized
Reason: Extensive deterioration.

18 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219620815, 21199920044–21199920051, 21199930026, 21200040019–21200040021
Status: Unutilized
Reason: Extensive deterioration—Secured Area.

Bldg. P8121, Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21199940060
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219630034, 219830068, 21200020031
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs., Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 21200040016–21200040018
Status: Unutilized
Reason: Secured Area.

Hawaii

16 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837, 219030361, 21200110024–21200110027
Status: Unutilized
Reason: Secured Area—(Most are extensively deteriorated).

Bldg. T–1305
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219610348
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs.
Fort Shafter
Honolulu Co: HI 96819
Landholding Agency: Army
Property Number: 21200030029–21200030031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–400
Helemano Military Reservation
Wahiawa Co: HI 96786
Landholding Agency: Army
Property Number: 21200110023
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Bldgs. 58, 59 and 72, 69, 64, 105, 135
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108, 219620427
Status: Unutilized
Reason: Secured Area.

Bldgs. 133, 141 Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100, 219620428
Status: Unutilized
Reason: Extensive deterioration.

16 Bldgs.
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219820027, 21199930042–21199930053
Status: Unutilized
Reason: Secured Area, Extensive deterioration, Floodway.

Indiana

181 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520042, 219530075–219530097, 219740021–219740026, 219820031–219820032, 21199920063
Status: Unutilized
Reason: Secured Area—(Some are extensively deteriorated.

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration.

12 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610352, 219620429–219620434

Status: Unutilized
Reason: Secured Area—Extensive deterioration.

Iowa

96 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219520002, 219520070, 219610414, 219740027
Status: Unutilized
Reason: (Many are in a Secured Area)—(Most are within 2000 ft. of flammable or explosive material.)

27 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219340091
Status: Unutilized
Reason: Extensive deterioration.

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material.)

Fort Riley
7 Bldgs.
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610626, 219620825–219620826, 219630085
Status: Unutilized
Reason: Extensive deterioration.

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area.

Bldg. P–417
Fort Leavenworth
Leavenworth KS 66027
Landholding Agency: Army
Property Number: 219740029
Status: Unutilized
Reason: Extensive deterioration—Sewage pump station.

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area—Sewage treatment facility.

Bldg. 12
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

2 Bldgs., Fort Knox
Ft Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 21199940063, 21200110028
Status: Unutilized
Reason: Extensive deterioration.

21 Bldgs., Fort Campbell
Ft Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 21200110029–21200110049
Status: Unutilized
Reason: Extensive deterioration.

Louisiana

528 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011714–219011716, 219011735–219011737, 219012112, 219013863– 219013869, 219110131, 219240138–219240147, 219420332, 219610049–219610263, 219620002–219620200, 219620749–219620801, 219820047–219820078
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material)—(Some are extensively deteriorated).

17 Bldgs., Fort Polk
Ft. Polk Co; Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 21199920070, 21199920078, 21199940074, 21199940075, 21200030044, 21200040025–21200040029, 21200110050–21200110051
Status: Unutilized
Reason: Extensive deterioration—(Some are in Floodway).

Maryland

143 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011417, 219012610, 219012626, 219012628, 219012634, 219012637–219012642, 219012649, 219012650, 219012658–219012662, 219013773, 219014711, 219610480, 219610489–219610490, 219730077–219730084, 219810070–219810127, 219820081–219820096, 219830114, 2199920081, 21200010046–21200010060, 21200020049–21200020050, 21200040030
Status: Unutilized
Reason: Most are in a secured area.—(Some are within 2000 ft. of flammable or explosive material)—(Some are in a floodway) (Some are extensively deteriorated)

32 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219310031, 219710186–219710192, 219740068–219740078, 219810065–219810069, 21199910018, 21199910019, 21199930055–21199930058, 21199940084, 21199940086
Status Unutilized
Reason: Extensive deterioration.

Massachusetts

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area—Extensive deterioration.

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Facility No. 0G001
LTA Granby
Granby Co: Hampshire MA
Landholding Agency: Army
Property Number: 219810062
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 21901405
Status: Underutilized
Reason: Secured Area.

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area—Extensive deterioration.

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area.

10 Bldgs.
Selfridge ANG Base
Selfridge Co: MI 48045
Landholding Agency: Army
Property Number: 21199930059, 21199940089–21199940093, 21200110052–21200110055
Status: Unutilized
Reason: Secured Area.

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–

219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420283, 219430059–219430064, 21199840060
Status: Unutilized
Reason: Secured Area—(Most are within 2000 ft. of flammable or explosive material.)—(Some are extensively deteriorated).

Missouri

83 Bldgs.
Lake City Army Ammo. Plant
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138, 21199910023–21199910035, 21199920082, 21200030049
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material).

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated).

14 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219430070–219430078, 219830115–219830116, 21199910020–21199910022, 21199930060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Some are extensively deteriorated).

Montana

19 Bldgs.
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 219620473–219620475, 219740093–219740101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Extensive deterioration.

Nevada

Bldg 292
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219013614
Status: Unutilized
Reason: Secured Area.

Bldg 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street—North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone Secured Area.

39 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219012013, 219013615–219013643
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material).

Group 101, 34 Bldgs.
Hawthorne Army Ammunition Plant Co: Mineral NV 89415–0015
Landholding Agency: Army
Property Number: 219830132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

New Jersey

218 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010671–219010721, 219012424, 219012427–219012428, 219012430, 219012433–219012466, 219012469–219012472, 219012475, 219012760, 219012763–219012767, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230121–219230125, 219420001–219420002, 219420006–219420008, 219530144–219530150, 219540002–219540007, 219740110–219740127
Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material). (Some are extensively deteriorated) (Some are in a floodway)

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower.

9 Bldgs.
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199940094–21199940099
Status: Unutilized
Reason: unexploded ordnance Extensive deterioration.

Bldg. T05134
Fort Dix
Ft. Dix Co: Burlington NJ 08640–5505
Landholding Agency: Army
Property Number: 21200040031
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 432, 899
Ft. Monmouth
Ft. Monmouth Co: NJ 07703
Landholding Agency: Army
Property Number: 2120010056–21200110057
Status: Unutilized
Reason: Extensive deterioration.

New Mexico

Bldg. 23644
White Sands Missile Range
White Sands Co: Dona Ana NM 88002
Landholding Agency: Army
Property Number: 21200030057
Status: Unutilized
Reason: Extensive deterioration.

New York

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–21940443
Status: Unutilized
Reason: Secured Area, extensive deterioration.

Parcel 19
Stewart Army Subpost, U.S. Military Academy
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219730098
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 12
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 134
Watervliet Arsenal Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 21199840068
Status: Unutilized
Reason: Secured Area.

Bldgs. 4056, 4275
Stewart Army Subpost
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 21199930061
Status: Unutilized
Reason: Sewage pump station.

North Carolina

85 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219620478, 219620480, 219640064, 219640074, 219710102–219710111, 219710224, 219810167, 219830117, 219830120, 21199930062–21199930067, 21200040032–21200040037
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 16, 139, 216, 273
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219530155, 219810158–219810160
Status: Unutilized
Reason: Secured Area.

North Dakota

Bldgs. 440, 455, 456, 3101, 3110
Stanley R. Mickelsen
Nekoma Co: Cavalier ND 58355
Landholding Agency: Army
Property Number: 21199940103–21199940107
Status: Unutilized
Reason: Extensive deterioration.

Ohio

190 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148, 21199840069–21199840104, 21199930070–21199930072
Status: Unutilized
Reason: Secured Area.

7 Bldgs.
Lima Army Tank Plant
Lima OH 45804–1898
Landholding Agency: Army
Property Number: 219730104–219730110
Status: Unutilized
Reason: Secured Area.

4 Bldgs.
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219830134, 2119910037, 21199930068, 21200020052
Status: Unutilized
Reason: Extensive deterioration.

Oklahoma

548 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004, 21199910039–21199910040
Status: Underutilized
Reason: Secured Area. (Some are within 2000 ft. of flammable or explosive material)

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140548, 219140550, 219440309, 219510023, 219730342
Status: Unutilized
Reason: Extensive deterioration.

33 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310052, 219320170–219320171, 219330149–219330160, 219430122–219430125, 219620485–219620490, 219630110–219630111, 219810174–219810176
Status: Unutilized
Reason: Secured Area. (Some are extensively deteriorated)

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area.

34 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012298, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 21199840107–21199840110, 2119920084–21199920090
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldg. T–685, Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530
Status: Unutilized
Reason: Extensive deterioration.

74 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640337, 219720093, 219730116–219730128, 219740129–219740132, 219740134, 219740137, 219810177–219810194
Status: Unutilized
Reason: Extensive deterioration.

15 Bldgs.
Defense Distribution Depot
New Cumberland Co: York PA 17000–5001
Landholding Agency: Army
Property Number: 219830135, 21199940108–21199940112, 21200030060, 21200110058–212000110063
Status: Unutilized
Reason: Secured Area.

South Carolina

43 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219620306, 219620312, 219620317, 219620348–219620351 219640138–219640139, 21199640148–21199640149, 219640167, 219720095, 219720097, 219730130, 219730132, 219730145–219730157, 219740138, 219820102–219820111, 219830139–219830157
Status: Unutilized
Reason: Extensive deterioration.

Tennessee

33 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028, 21200040038
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material).

10 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219219520034, 219219740139
Status: Unutilized
Reason: Secured Area.

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Texas

20 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

225 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548, 219012555–219610584, 219610635, 219620244–219620287, 219620827–219620837 21200020054–21200020070
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material).

16 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219420314–219420327, 219430094–219430097
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated).

7 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610549, 219640172, 219640177, 219640182 219810200–219810201, 219830205
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. T–2916, T–3180, T–3192, T–3398, T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479, 219640181
Status: Unutilized

Reason: Detached latrines.

83 Bldgs. Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219640490–2196440491, 219730160–219730186, 219740146, 219830161–219830197
Status: Unutilized
Reason: Extensive deterioration.

Starr Ranch, Bldg. 703B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640186, 219640494
Status: Unutilized
Reason: Floodway.

Utah

3 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 21930366
Status: Unutilized
Reason: Secured Area (Most are extensively deteriorated).

7 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012148–219012149, 219012152, 219012155, 219012158, 219012751, 219240267
Status: Underutilized
Reason: Secured Area.

3 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84002–
Landholding Agency: Army
Property Number: 219013997, 219120012, 219120015
Status: Underutilized
Reason: Secured Area.

59 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Number: 219330181–219330182, 219330185, 219420328–219420329, 21199920091–21199920101
Status: Unutilized
Reason: Secured Area.

Bldgs. 3102, 5145, 8030
Deseret Chemical Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 219820119–219820121
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Virginia

323 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 2190101892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 21911042–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033, 219610607–219610608, 219830223–219830267, 21200020079–21200020081
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 219010834–21901035, 219010837–219010838, 219010840–219010841, 219010843, 2190101845–2190101846, 2190101891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Secured Area: Latrine, detached structure.

38 Bldgs.
U.S. Armys Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 21924017, 219330210–219330211, 2129330219–219330220, 219330225–219330228, 219520062, 219610597, 219620497, 219620866–219620876, 219630115, 219740156, 219830208–219830210, 21199920117, 21199940128–21199940131, 21200030062, 21200040040, 21200110064–21200110066
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area).

16 Bldgs.
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area.

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area within 2,000 ft. of flammable or explosive material, extensive deterioration.

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, secured area.

15 Bldgs.
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219510030, 219610588, 21199930079, 21200020073, 21200040041–21200040042, 21200110067–21200110069
Status: Unutilized
Reason: Secured area, extensive deterioration.

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford, VA 24141
Landholding Agency: Army
Property Number: 219520052, 219530194
Status: Unutilized
Reason: Extensive deterioration.

22 Bldgs.
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 21199910050–21199910052, 21199920107–21199920109, 21199940117–21199940127, 21200020078, 21200030063–21200030064, 21200110070–21200110073
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219640506, 219710193, 21200040039
Status: Unutilized
Reason: Extensive deterioration.

14 Bldgs., Fort Eustis
Ft. Eustis Co: VA 23604
Landholding Agency: Army
Property Number: 21199930074–21199930075
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 448, Fort Myer
Ft. Myer Co: Arlington, VA 22211–1199
Landholding Agency: Army
Property Number: 21200010069
Status: Unutilized
Reason: Extensive deterioration.

Washington

657 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219610001, 219610006–219610007, 219610009–219610010, 219610012, 219610042–219610046, 219620512–219620517, 219640193, 219720142–219720151, 219810205–219810243, 219820130–219820132, 21199840118, 21199910063–21199910080, 21199920125–21199920181, 21199930080–21199930105, 21199940134, 21200030065
Status: Unutilized
Reason: Secured Area
Extensive deterioration.

10 Bldgs., Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162–219740171
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 415, Fort Worden
Port Angeles Co: Clallam WA 98362
Landholding Agency: Army
Property Number: 21199910062
Status: Excess
Reason: Extensive deterioration.

Bldg. U515A, Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920124
Status: Excess
Reason: Gas chamber.

Bldg. 303
Yakima Training Center
Yakima Co: WA 98901
Landholding Agency: Army
Property Number: 21200010074
Status: Unutilized
Reason: Extensive deterioration.

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co.: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material Friable asbestos Secured Area.

153 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219001104, 219001106, 2190011108–219011113, 219001115–2190011117, 2190011119–219011120, 2190011122–219011139, 219001141–219011142, 219011144, 2190011148–219011208, 219011213–219011216, 219011218–219001234, 219001236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Friable asbestos. Secured Area.

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area.

22 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510065–219510067
Status: Unutilized
Reason: Secured Area.

743 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099, 219740184–219740271, 21200020083–21200020155
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area Extensive deterioration.

Bldg. 457
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5136
Landholding Agency: Army
Property Number: 21200110074
Status: Unutilized
Reason: Extensive deterioration.

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area.

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area.

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219620472
Status: Unutilized
Reason: Landlocked.

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area.

Spur Line/Right of Way
Armament Rsch Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530143
Status: Unutilized
Reason: Floodway

2.0 Acres, Berkshire Trail
Armament Rsch Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199910036
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured area.

Ohio

0.4051 acres, Lot 40 & 41
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219630109
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Oklahoma

McAlester Army Ammunition Plant
McAlester Co: Pittsburgh OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: 2000 ft. of flammable or explosive material.

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420308
Status: Unutilized
Reason: Secured Area.

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913—
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area.

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BILLING CODE 4210–29–M

Federal Register

Friday,
February 23, 2001

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Initiative for Future Agriculture and Food Systems, FY 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Initiative for Future Agriculture and Food Systems, FY 2001

AGENCY: Cooperative State Research, Education and Extension Service, Agriculture.

ACTION: Notice of Request for Proposals and Request for Input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Initiative for Future Agriculture and Food Systems Program (IFAFS) for fiscal year (FY) 2001 to support competitively awarded research, extension and education grants addressing key issues of national and regional importance to agriculture, forestry, and related topics. The amount available for support of this program in FY 2001 is approximately $113,400,000.

This notice sets out the objectives for these projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for an IFAFS grant under this authority.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2001 IFAFS for use in development of any future requests for proposals for this program.

DATES: For the FY 2001 competition, a Letter of Intent is requested and is due by March 23, 2001. Project proposals and proposals for Multidisciplinary Graduate Education Traineeship Grants (MGET) must be received by COB April 23, 2001. Proposals received after this date will not be considered for funding. Critical or Emerging Issues proposals must be received by COB on June 1, 2001. Comments regarding this Request for Proposals are invited for six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Applicants may e-mail the Letter of Intent to Dr. Rodney Foil at rfoil@reeusda.gov or send the letter by mail to IFAFS; Mail Stop 2213; Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2213; or fax the Letter to IFAFS at (202) 690–3858. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Initiative for Future Agriculture and Food Systems; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, D.C. 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Initiative for Future Agriculture and Food Systems; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2245.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. In your comments, please include the name of the program and the fiscal year of the request for proposals (RFP) to which you are responding.

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact the Program Director listed in the program areas found in the Program Area Description section below, or Dr. Rodney Foil, Director IFAFS, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2242; 1400 Independence Avenue, S.W. Washington, D.C. 20250–2242; telephone: (202) 720–4423; e-mail: rfoil@reeusda.gov; or Dr. Sally Rockey, Deputy Administrator, CRGAM, Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; STOP 2240; 1400 Independence Avenue, S.W.; Washington D.C. 20250–2240; telephone: (202) 401–1761 e-mail: srockey@reeusda.gov.

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Stakeholder Input

CSREES is requesting comments regarding this RFP from any interested party. These comments will be considered in the development of any future RFP for the program. Such comments will be forwarded to the Secretary or his designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2). This section requires the Secretary to solicit and consider input on a current RFP from persons who conduct or use agricultural research, education and extension for use in formulating future RFPs for competitive programs. Comments should be submitted as provided for in the ''Addresses'' and ''Dates'' portions of this Notice.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.302, Initiative for Future Agriculture and Food Systems.

Part I—General Information

A. Legislative Authority and Background

Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) (7 U.S.C. 7621) established in the Treasury of the United States an IFAFS account and authorized the Secretary of Agriculture to establish a research, extension, and education competitive grants program to address critical emerging U.S. agricultural issues related to (1) future food production, (2) environmental quality and natural resource management, or (3) farm income. Grants are to be awarded that shall address priority mission areas related to (a) Agricultural genome, (b) Food safety, food technology and human nutrition, (c) New and alternative uses and production of agricultural commodities and products, (d) Agricultural biotechnology, (e) Natural resource management, including precision agriculture, and (f) Farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations. Priority is to be given to projects that are multistate, multi-institutional, or multidisciplinary or projects that integrate agricultural research, extension and education.

Subject to the availability of funds to carry out this program, the Secretary may award grants to a college or university or a research foundation maintained by a college or university. This represents a change from the FY 2000 solicitation. Section 724 of Public Law No. 106–389, as amended by section 101(3) of H.R. 566 which was enacted by section 1(a)(4) of Public Law No. 106–554, removed Federal research agencies, national laboratories, and private research organizations from eligibility for IFAFS awards.

Grants also may be awarded to ensure that faculty of small and mid-sized academic institutions that have not previously been successful in obtaining competitive grants under subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) (i.e. the CSREES National Research Initiative Competitive Grants Program) receive a portion of the IFAFS grants. Grants are to be awarded to address priorities in United States agriculture that involve research, extension, and education activities as determined by the Secretary in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and stakeholders through a public meeting held in July of 1998.

B. Purpose, Priorities and Fund Availability

The purpose of the IFAFS is to support research, education and extension grants that address critical emerging U.S. agricultural issues related to (1) future food production, (2) environmental quality and natural resource management, or (3) farm income.

In awarding IFAFS grants, priority will be given to projects that are multistate, multi-institutional, or multidisciplinary or projects that integrate agricultural research, extension and education. Integrated projects hold the greatest potential to produce and transfer knowledge directly to end users, while providing for educational opportunities to assure agricultural expertise in future generations. The IFAFS also holds great opportunity to bring the agricultural knowledge system to bear on issues impacting small and mid-sized producers and land managers, thus enabling improvements in quality of life and community. In support of the agency's goal to enhance the competitiveness of U.S. agriculture, consideration will also be given to projects (with U.S. institutions as the lead) that incorporate an international dimension with demonstrable domestic benefits.

IFAFS is distinct from other CSREES programs because of its priority on integration of research, extension, and education; its consideration of the concerns of small and mid-sized operations; its emphasis of agricultural production issues; and its goal to support relatively large projects that provide more intensive support to the research, extension, and education system.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Approximately $113,400,000 is available in FY 2001 for programs within the IFAFS for the following priority areas: Agriculture Genome and Agricultural Biotechnology ($32,800,000); Food Safety, Food Technology, and Human Nutrition ($21,900,000); New and Alternative Uses and Production of Agricultural Commodities and Products ($10,000,000); Natural Resource Management, including Precision Agriculture ($29,000,000); and Farm Efficiency and Profitability, Including the Viability and Competitiveness of Small and Medium-sized Dairy, Livestock, Crop, and Other Commodity Operations ($19,000,000). Funds available for each priority area are targets. The number and quality of applications, as well as the need to reach programmatic goals, may necessitate the movement of funds between priority areas. CSREES is not committed to funding any specific amount or make any specific number of MGET awards, however, funds in the amount of $2.2 million will be made available from the aforementioned priority areas to support MGET proposals should they be meritorious.

Funds will be made available to small or mid-sized academic institutions that have not been previously successful in obtaining competitive grants under the National Research Initiative Competitive Grants Research Program.

Two additional requests for proposals will be available in FY 2001. These are new collaborative programs between CSREES/IFAFS and other Federal Agencies. These include the USDA/NSF Microbial Genome Sequencing Project (total joint funding of approximately $9 million) and the USDA/NASA Application of Geospatial and Precision Technology Project (total joint funding of $9.5 million).

The program areas described herein were developed within the context of the authorized purposes of both USDA research, extension, and education (7 U.S.C. 3101) and IFAFS (7 U.S.C. 401), within the framework of the CSREES Strategic Plan (Available at www.usda.gov/ocfo/strat/ree.pdf), and based on stakeholder input.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service (CSREES) and any other officer or employee of the Department to whom the authority involved may be delegated.

(2) *Assistantship* means institutional support of graduate students for their providing or carrying out teaching or research services.

(3) *Authorized departmental officer* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(4) *Authorized organizational representative* means the president or chief executive officer of the applicant organization or the official, designated by the president or chief executive officer of the applicant organization, who has the authority to commit the resources of the organization.

(5) *Budget period* means the interval of time (usually 12 months) into which

the project period is divided for budgetary and reporting purposes.

(6) *Cash contributions* means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

(7) *Department* or *USDA* means the United States Department of Agriculture.

(8) *Education activity* means an act or process that imparts knowledge or skills through formal or informal schooling.

(9) *Extension activity* means an act or process that delivers research-based knowledge and educational programs to people, enabling them to make practical decisions.

(10) *Graduate education* means recruitment, enrollment, instruction, mentoring, retention, and graduation of students seeking master's or doctoral degrees; providing resources for thesis research in fields related to the research problems in the project; and support of graduate students through assistantships, fellowships or traineeships.

(11) *Grant* means the award by the Secretary of funds to an eligible organization or individual to assist in meeting the costs of conducting, for the benefit of the public, an identified project which is intended and designed to accomplish the purpose of the program as identified in these guidelines.

(12) *Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

(13) *Integrated* means to bring together the three components of the agricultural knowledge system (research, education and extension) together around a problem area or activity.

(14) *Internship* means student participation in an experiential learning activity.

(15) *Matching* means that portion of allowable project costs not borne by the Federal Government, including the value of in-kind contributions.

(16) *Peer review* is an evaluation of a proposed project for scientific or technical quality and relevance performed by experts with the scientific knowledge and technical skills to conduct the proposed work or to give expert advice on the merits of a proposal.

(17) *Principal Investigator/Project director* (PI/PD) means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(18) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (2) above.

(19) *Project* means the particular activity within the scope of the program supported by a grant award.

(20) *Project period* means the period, as stated in the award document and modifications thereto, if any, during which Federal sponsorship begins and ends.

(21) *Research activity* means a scientific investigation or inquiry that results in the generation of knowledge.

(22) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

(23) *Small- and Mid-Sized Institutions* means academic institutions having an enrollment of 15,000 or fewer (including part-time students), and that are no higher than the 50th percentile of academic institutions funded by the National Research Initiative Competitive Grants Program in the past three years and are not within the top 100 Federally funded institutions (see Appendix A.)

(24) *Third party in-kind contributions* means non-cash contributions of property or services provided by non-Federal third parties, including real property, equipment, supplies and other expendable property, directly benefitting and specifically identifiable to a funded project or program.

(25) *Traineeship* means a student centered educational program that addresses knowledge needs, personal and professional skills development, career experiences and global awareness; student is supported like a scholarship or fellowship.

D. Eligibility

Proposals may be submitted by a college or university or a research foundation maintained by a college or university.

Eligible applicants may subcontract to organizations not eligible under these requirements. For Multidisciplinary Graduate Education Traineeship (MGET) proposals, eligible colleges or universities are those with accredited graduate degree programs in the food and agricultural sciences.

E. Matching Requirements

If a grant provides for applied research that is commodity specific and not of national scope, the grant recipient is required to provide funds or in-kind support to match the amount of Federal grant funds provided.

F. Types of Proposals

In FY 2001, it is anticipated that projects will be submitted as New or Resubmitted Proposals as described below:

1. *New proposal.* This is a project proposal that has not been previously submitted to the IFAFS Program. All new proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Selection Process and Evaluation Criteria.

2. *Resubmitted proposal.* This is a proposal that had been previously submitted to the IFAFS but not funded. The resubmitted proposal should clearly indicate the changes that have been made in the project proposal. Further, a clear statement acknowledging comments from the previous reviewers, indicating revisions, rebuttals, etc., can positively influence the review of the proposal. Therefore, for resubmitted proposals, the investigator(s) must respond to the previous panel summary on no more than one page, titled Response to Previous Review, which is to be placed directly after the Project Summary as described in Part III—Preparation of a Proposal. Resubmitted proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Selection Process and Evaluation Criteria.

G. Restrictions on Use of Funds

1. Funds for Buildings and Facilities

IFAFS funds may not be used for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities.

2. Funds for Human Cloning

In accordance with the President's Memorandum of March 4, 1997, regarding the use of Federal funds for the cloning of human beings (33 Weekly Comp. Pres. Doc. 278), IFAFS funds shall not be used to support, fund, or undertake any cloning activity that could lead to the creation of a new human being with genetic material identical to that of another human being, including research related directly thereto. The prohibition on use of grant funds to ''support'' human cloning activity includes using, or making available for use, grant-funded equipment for use in connection with human cloning. This ban does not restrict research into the cloning of plants, animals, or individual human

cells that cannot develop into a new human being.

Part II—Program Description

A. Types of Projects To Be Supported

1. *Project grants.* Project grants can be proposed that range in size to a total grant size of up to five million dollars over four years. The amount requested must be commensurate with the activities proposed; support for very large requests of funds will be highly competitive.

Project grants may involve any combinations of institutions and states but may: involve multiple states and/or institutions that conduct research; synthesize previous, ongoing and future research; develop curricula and build educational and research capacity; and transfer information to producers, end users, and the public. The type and number of participating institutions should be appropriate to the project proposed, and should include all participants necessary for successful completion of the project. All IFAFS project grants will be expected to address research, extension and education in a focused project area or through larger endeavors that coalesce around project areas that cannot be addressed through the funding of individual efforts. It is the intent of CSREES to promote collaboration, open communication, exchange of information and resources, and integration of activities among individuals, institutions, states or regions. Larger projects that include many institutions, states or efforts, should minimize isolation and over-competitiveness, reduce duplication of efforts, and provide an accessible source of expert information, technology, and education upon which the public can draw. More focused projects are expected to generate new knowledge and/or apply existing knowledge quickly through outreach and dissemination to specific issues in agriculture where immediate results may be visible.

Dependent on the merits of proposals received, CSREES will ensure that a portion of project grants will be awarded to proposals in which the lead institution (recipient of the Federal funds) is a small- or mid-sized institution (as defined in Part I., C. Definitions). Other institutions or organizations involved in small- and mid-sized institution eligible projects need not meet the criteria described in the definition of a small- and mid-sized institution.

A designated lead institution of each project will administer funds and be responsible for overall management of activities. Larger grant proposals of more than $1 million, or those that are comprised of multifaceted participation by a number of institutions must include how the administration of the grant will be achieved and monitored since proper management of a complex project will influence overall success of the project. Plans for how each project will be maintained and monitored for progress during and beyond the duration of the grant should also be included in the proposal.

2. *Bridge Grants.* Applicants may not directly apply for Bridge grants. Bridge grants only are awarded to small- and mid-sized academic institutions after a review of a submitted Project Grant proposal places the application below the funding cutoff.

Small- and Mid-Sized Institution means academic institutions having an enrollment of 15,000 or fewer (including part-time students), ranked no higher than the 50th percentile of academic institutions funded by the National Research Initiative Competitive Grants Program in the past three years, and are not within the top 100 Federally funded institutions (see Appendix A). Bridge grants are designed to assist small- and mid-sized academic institutions to sustain and enhance important collaborations and activities that might lead to future program success or success in obtaining IFAFS and/or other grants. Institutions eligible for Bridge grants will be considered for a one-time infusion of up to $100,000 if a submitted Project Grant proposal is considered meritorious but ranks below the funding cutoff during the peer review process. Proposals that meet these criteria will be forwarded from each program area review panel to the IFAFS administration to be considered for funding from a limited pool of funds set aside for Bridge Grants.

3. *Critical or Emerging Issues Grants.* IFAFS is offering the opportunity to consider applications based upon critical issues that transcend the specific elements of the individual IFAFS program areas as well as those issues that are of emerging significance. Critical or Emerging Issues grants can be proposed that range in size to a total of $5 million over four years. The amount requested must be commensurate with the activities proposed. Support for very large requests of funds will be highly competitive. See Program Area 16.0 under the ''Program Description'' for more information regarding the Critical or Emerging Issues Program Area.

4. *Multidisciplinary Graduate Education Traineeship (MGET) Grants.* MGET grants will support innovative, research-based, graduate education and training activities in critical, emerging areas of agricultural sciences. They must be organized upon a cohesive multidisciplinary theme and involve a diverse group of faculty members and other investigators with appropriate expertise in research, education and extension. Depending upon the availability of funds, each grant may receive up to $2,200,000 for a four-year project period which is divided into student support in the amount up to $500,000 per year and into start-up costs up to an additional $200,000 in the first year for appropriate equipment and special purpose materials. Graduate student stipend allowance is $18,000 per year accompanied by a cost-of-education allowance (tuition and normal fees) of $10,500 per year per student. All graduate and other stipend recipients must be citizens or permanent residents of the U.S. See Program Area 17.0 for more information.

B. Program Description

Agricultural Genomics

The IFAFS seeks to sponsor integrated research, education and extension programs in plant, animal and microbe genomics and the development of bioinformatic tools and educational resources with specific applications to agricultural challenges.

A more complete understanding of the entire complement of genes in agriculturally relevant plants, animals and microbes is imperative. More knowledge in this area will have a major impact on the ability of the United States to produce nutritious and safe food, while preserving the environment and sustaining the economic stability of the agricultural enterprise. Greater efforts aimed at identifying, mapping and understanding the function and control of genes responsible for traits in agriculturally important species of plants, animals and microbes are needed. These efforts will lead to the development of new genetic technologies for improvements in yield, pest and pathogen resistance, and the composition, quality, and safety of U.S. agricultural products in the global context.

New bioinformatic and computational biology tools are needed to analyze, interpret and utilize the vast amounts of data that will be generated by genomic research in agriculturally important species. CSREES expects that bioinformatics will be an integral component of any project funded under this Agricultural Genomics program. CSREES is also interested in funding integrated projects primarily dedicated

to the research and development of bioinformatics tools and education programs, hence a separate sub-area in bioinformatics. Prospective applicants who are primarily interested in working on a particular plant, animal or microbial system should address their projects to the relevant section. Those primarily interested in developing bioinformatics tools, software, and training programs should address their proposal to the sub-area on Bioinformatics.

• All agricultural genomics grant recipients are expected to present their project plan at the International Plant, Animal, and Microbial Genome meetings in January in San Diego, CA. Additional information will be made available if an award is made.

• Investigators are expected to explain clearly how the ownership of information and research materials and their public release will be handled. Rapid and unrestricted sharing of genomic sequence data is essential for advancing research on agriculturally important species. Early release of unfinished sequence has already proven useful in accelerating the pace of experimental discovery in non-agricultural fields, such as human health, energy production and bioremediation. At the same time, CSREES recognizes that it also is necessary to allow investigators time to verify the accuracy of their data and to accomplish the goals proposed in their application, which often includes the assembly and annotation of the sequence data.

• In addition to the general data release procedures above, applications for support of genome sequencing projects must include a detailed description of the data release plan. Timely release is strongly encouraged in recognition of the benefits to the broader research community. Release should be accompanied by appropriate information on the reliability of the data (e.g., level of coverage and extent of assembly, extent of contamination with vector and other sequences, statistical measures of accuracy). At a minimum, it is anticipated that sequence data will be released within one month after 3X coverage of the genome (or chromosome for eukaryotic organisms) is achieved. The released data should be provided as assemblies of equal to, or greater than, one kilobase contigs. Subsequent releases of assembled sequences should be provided at least on a monthly basis.

• In the view of some, raw genomic sequences, in the absence of additional demonstrated biological information, lack demonstrated utility and therefore are inappropriate for patent filing. Patent applications on large blocks of primary genomic sequence could stifle future research and the development of future inventions of useful products. However, according to the Bayh-Dole Act, the grantees have the right to elect to retain title to subject inventions and are free to choose to apply for patents should additional biological experiments reveal convincing evidence of utility. CSREES grantees are reminded that the grantee institution is required to disclose each subject invention to CSREES within two months after the inventor discloses it in writing to grantee institution personnel responsible for patent matters. Where appropriate, a plan for apportionment of rights to intellectual property with international partners should be provided.

10.1 Plant Genome. (For clarification on this sub-area, contact the Program Directors, Ed Kaleikau and Liang-Shiou Lin, at (202) 401–5042, e-mail: llin@reeusda.gov.)

Research in plant genomics has advanced rapidly in the past few years. The entire genome of Arabidopsis has been sequenced and is being annotated, and the rice genome will be sequenced and annotated in the near future. Knowledge of these sequences will provide basic information on the genes in a flowering plant species. While genomic tools and resources are currently available for plant research, they will need to be improved and expanded. Additionally, genomic resources will need to be developed for other agriculturally important plant species. Furthermore, if genomic information is to be applied to plant improvement, more research is needed to determine the function of gene sequences.

The IFAFS Plant Genome Program sub-area will support integrated projects of research, education and extension that advance our knowledge of the structure, organization and function of agriculturally important plant genomes. Some examples of education and extension components pertinent to this sub-area include training of graduate and undergraduate students, postdoctoral associates, and/or colleagues (through classes, seminars, workshops, sabbaticals) in the use of genomic resources or outreach to the community through informational seminars and classes on the benefits and methods of genomic research. Wherever appropriate, investigators are encouraged to develop national and international collaborations with research groups already working on the species of interest to maximize the use of structural and functional genomic resources. Collaborations with private industry that have made a significant investment in the species are also encouraged to avoid unnecessary duplication of effort.

Proposals must address at least one of the two specific topic areas below:

(1) *Development or improvement of genomic tools and resources for plant species important to agriculture or forestry.* (a) High throughput genomic approaches to understand genome structure and organization of horticultural (including fruit and vegetable crop species and ornamental plants relevant to U.S. agriculture) and forest plants will be given high priority, particularly those plants that have not been the focus of major study. Proposals that apply marker assisted selection/breeding of horticultural and forest plants are also encouraged. (b) Proposals that extend or complement ongoing research on complex cereal crop genomes already under study will also be considered; potential research areas include innovative approaches to sequence gene-rich regions, synteny of cereal genomes with rice application of marker assisted selection in public breeding programs, and the development of publicly accessible transformation technology.

(2) *Functional analysis of the rice genome.* The U.S. is a participant in the international project to sequence the genome of rice. To build on the sequencing effort now underway, this program area will support (a) functional genomic studies in rice that seek to uncover the function of cereal crop genes by relating a mutant phenotype with sequence information. Examples of approaches include gene tagging, proteomics, microarrays, and development of knockout lines and ESTs. (b) projects for production of strains and sequences of rice that will be made available to the international research community, and for development of a public database to consolidate information on mutagenized populations and phenotypic information about mutants characterized.

10.2 Animal Genome. (For clarification on this sub-area, contact the Program Directors, Ed Kaleikau at (202) 401–6030, e-mail: ekaleikau@reeusda.gov; and Richard Frahm, at (202) 401–4895, e-mail: rfrahm@reeusda.gov.)

Proposals are solicited that address one or more of the following areas in animal genomics: (a) Develop high density comparative gene maps, which include human and mouse, across agricultural animal species (Cattle, sheep, swine, horse, poultry species and

aquaculture species); (b) generate ordered and arrayed BAC libraries for those species where such reagents are not presently available (Arrangements must be included in the proposal to distribute these to other U.S. investigators on a cost-recovery basis); (c) develop novel marker (single nucleotide polymorphysims/ microarrays) for high through-put genotyping systems using agricultural animal populations to identify quantitative trait loci (QTL) or to apply marker assisted selection; (d) develop computational applications to facilitate comparative gene mapping; and (e) develop education programs on new developments in agricultural animal genome research for outreach to producers.

10.3 Microbial Genome. (For FY 2001, Microbial Genomics will be offered through a separate solicitation for a joint USDA/NSF Microbial Genomics Sequencing Project. See the CSREES website, www.reeusda.gov, under ''funding opportunities'' for additional information concerning this program.)

10.4 Bioinformatics. (For clarification of this topic area, contact the Program Directors, Ed Kaleikau and Gail Mclean, at (202) 401–6060, e-mail: gmclean@reeusda.gov.)

The vast amounts of data being generated by genomic research only will be of use to plant, animal and microbial improvement and protection if technologies are developed to utilize genomic sequence, gene maps and gene function information. In addition, new cadres of scientists must be trained in the use of these technologies. Because of the interdisciplinary nature of genomic science, bioinformatic research provides an ideal opportunity for a range of scientists, including engineers, computer scientists, chemists, and biologists, to work together in a collaborative environment. Bioinformatic tools and personnel will play a vital role in applying genomic data to the improvement of animal, plant and microbial species of agricultural importance. This program sub-area seeks to support proposals to develop or improve bioinformatic tools and to develop training programs in bioinformatics. Projects may involve experts in computer science, software engineering, genomics, genetics, plant, animal, or microbial improvement, or related sciences as well as individuals with an interest in the development of education and training programs in bioinformatics and computational biology.

Proposals must address at least one of two specific topic areas:

(1) *Development or improvement of bioinformatic tools and resources.* There is an acute need to manage and interpret genomic data efficiently and effectively. The current absence of standardization for data management and storage has led to an increasing number of databases that do not communicate well among themselves. If this trend continues, the progress promised by genomics will be slowed not only for agriculture, but for all fields involved in genomics. As agricultural databases are developed, it is imperative that they exhibit good interconnectivity with new and existing sources of data. To meet this challenge, software programs for bioinformatics must be developed and/or refined; further, other broadly-defined tools are needed to provide the support to handle and interpret the massive amounts of genomic data being generated. Research projects in this area should develop bioinformatics tools with application to agricultural systems. Examples of research areas include: (a) Development or improvement of database management techniques and software; (b) development or improvement of computational tools for analysis of genomic sequence data; and (c) generation of resource web pages for specific classes of proteins, genes or metabolic pathways.

(2) *Development of bioinformatic education programs or courses.* Training programs should address the current gap in the availability of professionals trained in plant, animal, and microbe bioinformatics. The interaction of biologists and computational scientists must be evident in the proposal. Approaches to training may include, but are not limited to: (a) Development of courses at the undergraduate and graduate level in bioinformatics/ computational biology; (b) creation of programs which include summer institutes, short courses, sabbaticals or training centers designed to educate and train faculty and or graduate students in bioinformatics; (c) development of secondary education science teaching modules to introduce young students to the bioinformatic/computational biological sciences.

Agricultural Biotechnology

This program area will support research, education, and extension that addresses risks and benefits associated with the use of biotechnology in agriculture. Biotechnology is believed to have great potential for supplying the world's food and fiber needs in a sustainable manner. However, the development of agricultural biotechnology products has resulted in expressions of concern by producers, consumers, media, interest groups, and other stakeholders about possible health, environmental, social, and economic effects. This program area seeks to address those concerns and assist citizens in making informed decisions about the use of this technology in agriculture. Higher priority will be given to proposals that integrate research, education, and extension activities.

The application of biotechnology to agriculture has the potential to provide a number of public benefits. It is expected to increase productivity while reducing the negative environmental effects of traditional production methods by reducing the need for antibiotics, fertilizers, herbicides, hormones, and pesticides. The technology also has the potential to facilitate the development of new food products with improved nutritional benefits, flavor, and shelf-stability, as well as new non-food products, including lubricants, oils and plastics.

Successful application of this technology to food and agriculture is possible only with the approval and acceptance of consumers, environmentalists and other stakeholders. Research, education, and extension focused on identifying and assessing present and predicted benefits and identifying, assessing, and reducing present and predicted risks associated with agricultural biotechnology will aid in addressing the needs and concerns of various stakeholder groups.

Proposals should be submitted to one of the following three areas: Section 11.1 focusing on the impact of agricultural biotechnology on human and animal health; Section 11.2 focusing on social and economic aspects associated with the development and use of biotechnology; or Section 11.3 focusing on the management of potential environmental effects associated with agricultural biotechnology. Proposals that seek to integrate both the biological aspects (Sections 11.1 and 11.3) and social aspects (Section 11.2), should be submitted to the section that best describes the majority emphasis of the proposed project.

Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area. Also, international partnerships are permitted so long as the partnership clearly benefits the understanding of U.S. agricultural biotechnology questions and concerns.

11.1 Effects of Agricultural Biotechnology on Human and Animal Health. (For clarification of this program area, contact the Program Directors,

Daniel Jones at (202) 401–6854; email: ddjones@reeusda.gov; or Deborah Sheely at (202) 401–1924, e-mail: dsheely@reeusda.gov.)

Research, extension, and education activities regarding the effects of genetically modified (GM) organisms and GM food on human and animal health, include but are not limited to: (a) Approaches for anticipating, detecting, and managing allergenicity in food products derived through biotechnology; (b) the role of GM products in the development of antibiotic resistance; (c) secondary metabolite formation and how this may affect food and feed; (d) changes in bioavailability of essential nutrients; (e) development of new and enhanced testing and evaluation methods of biologically modified products that ensure human and animal safety; (f) development of experiential learning opportunities for students, academics, and agricultural professionals to study the effects of GM food and feed on humans and animals; (g) development of outreach programs to explain the risks and benefits of GM food and feed on human and animal health. Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area.

This program area is seeking projects to evaluate or assess the effects of transgenic organisms or food on human and animal health. It will not consider proposals to develop transgenic products of any kind, including those designed to improve human or animal health.

Proposals involving genetically modified functional foods should be directed to section 12.2 (Nutritional Impact of Functional Foods).

11.2 Social and Economic Aspects of Biotechnology. (For clarification of this program area, contact Program Directors, John Michael at (202) 720–8744, jmichael@reeusda.gov; or David Holder at (202) 720–3605, dholder@reeusda.gov.)

This section solicits proposals for research, education and extension activities that deal with the human dimensions associated with agricultural biotechnology. It is concerned with positive and negative economic and social impacts on stakeholders—producers, processors, input manufacturers, consumers, environmentalists, governmental agencies and others; impacts on economic and social institutions, communities, and society; reactions to biotechnology; and people's beliefs and attitudes about biotechnology and the responses of stakeholders, institutions, and communities. ''Social and economic'' is broadly defined to also include psychological, cultural, ethical, and political aspects of biotechnology. Comparative approaches are invited, including comparisons across geography, culture, history, and technologies. Other approaches are also invited.

The expected outcomes of the program include: (a) objective and complete assessments of perceived and actual benefits and risks associated with agricultural biotechnology; (b) greater stakeholder involvement (civic engagement) in decisions regarding agricultural biotechnology; (c) more informed decisions by public and private decision makers about the development and use of biotechnology; and (d) greater clarity regarding the role of research and educational institutions in helping stakeholders weigh the risks and benefits of alternative approaches and technologies in agriculture.

The following topic areas and their contents are provided as examples and are not intended to be all inclusive:

(a) Business issues—Economic and other impacts of biotechnology on individual firms or groups of firms; firm-level decisions about selling or buying biotechnology products and processes, such as a farmer/farm family decision to plant herbicide-tolerant soybeans; changes in business practices and alliances.

(b) Agriculture and Food System Issues—Impact of biotechnology on the organization, structure and behavior of participants in the agricultural industry from input manufacturers to retailers; changes in economic institutions and government policies; capacity of the food system to segregate genetically modified commodities/products for specific markets; competitiveness of U.S. agriculture in world markets; and impacts of establishing various standards, oversight arrangements and alternative regulations and policies.

(c) Market/Consumer Issues—Needs, desires, and concerns of consumers in domestic and international markets; understanding consumer decisions about the use of biotechnology products, including the influence of culture, product labeling, advertising, scientific information, and recent news events; methods most effective for increasing understanding and improving public and private decision making ability.

(d) Societal Issues—Needs of various publics to gain meaningful information and be involved in decision making processes surrounding the development and use of biotechnology; the role of civic engagement; perceived and actual risks and benefits to consumers and other stakeholder groups or society in general; policy alternatives and analysis; property rights; environmental protection; conflict emergence and resolution; role of ethics.

(e) Institutional Issues—(Economic and social institutions include such things as markets, universities, and the policy-making bodies). Impact of biotechnology on markets; role of public research, education and extension; mechanisms for funding research and disseminating results; role of local, state, federal and international governments.

11.3 Ecological Risk Management of Agricultural Biotechnology. (For clarification of this program area, contact the Program Directors, Deborah Sheely at (202) 401–1924, e-mail: dsheely@reeusda.gov; or Daniel Jones at (202) 401–6854; email: ddjones@reeusda.gov.)

Research, extension, and education activities regarding the management of risks associated with the release of transgenic organisms into the environment. These include, but are not limited to: (a) Techniques to minimize or eliminate potential negative impacts of transgenic products on non-target species, agricultural systems and the environment; (b) management systems to slow the evolution of resistance to transgenic protection against pests and diseases; (c) techniques or methods to prevent the movement of transgenes from transgenic organisms to others; or to prevent their expression in new or unintended organisms; (d) management systems to control the impact of transgenic plants, especially insect resistant or herbicide tolerant plants, on biodiversity of agro-ecosystems; (e) experiential learning opportunities for students, academics, and agricultural professionals to manage environmental risks associated with agricultural biotechnology; and (f) outreach programs to develop and share techniques or methods to manage ecological risks.

Where practicable, graduate training opportunities are encouraged in proposals submitted to this program area.

This program solicits projects designed to manage or reduce ecological risks associated with the release of transgenic organisms into the environment. Projects to assess risks of transgenic organisms (i.e. identification of an ecological hazard, and determining its probability and impact) will not be considered for funding by this program. Research addressing risk assessment should be directed to USDA's Biotechnology Risk Assessment Research Grants Program (http://

www.reeusda.gov/crgam/biotechrisk/biotech.htm).

Food Safety and Human Nutrition

This program area concentrates resources on two critical areas in food technology and nutrition: Factors affecting food and nutrition behavior of consumers and the nutritional impact of functional and designer foods. Future food production will be impacted by consumer food choices, and the health and happiness of Americans is dependent upon diets appropriate to individual lifestyles and physical condition. Understanding consumer behavior and how to increase the beneficial components in food will help inform future food production. A key anticipated benefit of this initiative will be to strengthen the existing links among research, teaching, and extension/outreach activities related to nutrition and food technology. Descriptions of the two program subareas are below.

12.1 Consumer Food Choices. (For clarification of this sub-area, contact the Program Directors, Susan Welsh at (202) 720–5544; email: swelsh@reeusda.gov; or Etta Saltos, at (202) 401–5178; e-mail: esaltos@reeusda.gov.)

The most fundamental knowledge gap in nutrition research is in understanding why people choose what they choose to eat and how to effectively intervene to improve diets. Although USDA, together with the Department of Health and Human Services, has formulated Federal nutrition policy in the form of the Dietary Guidelines for Americans for 20 years, we know that many consumers are not following this guidance. According to the Department's 1996 Healthy Eating Index, a measure of how Americans' diets fare in meeting the recommendations of the Dietary Guidelines, only 12 percent of Americans have diets that can be classified as ''good;'' 71 percent have diets that are considered to ''need improvement'' and 17 percent are classified as having ''poor'' diets. Additionally, the prevalence of obesity in the United States increased from 12 percent in 1991 to 18 percent in 1998. In the past decade, the number of U.S. children who are overweight has more than doubled and the incidence of type 2 diabetes in adolescents, once rare, is increasing.

USDA researchers have found that in children the risk of becoming obese increases as family income decreases. The consistent and visible interest of Americans in weight loss diets indicate both an interest in and the difficulties in maintaining desirable weight. Community-based research on food systems has demonstrated limited food choices in low-income communities as insufficient resources limit grocery retail establishments in economically deprived areas. Food intake of low-income individuals is dramatically affected by the availability of food, especially fruits and vegetables. Food stamp recipients sometimes have difficulty stretching food dollars through the month, creating an atmosphere of food insecurity late in the month, affecting food choices.

Food choice behavior is influenced by a variety of factors ranging from available income to physiologic need to societal standards and community resources. Knowledge of how these factors interact to affect food choices is limited. Nutrition experts agree that for nutrition interventions to be successful, they should be behaviorally-based, but the gaps in knowledge of consumer dietary behavior limits development of such interventions. When behaviorally-based nutrition interventions have been implemented, evaluation of the outcomes of such interventions has been limited, primarily due to lack of funds. Research on the strengths and weaknesses of an intervention in relation to its objectives is essential to improving the intervention and in facilitating its application to other situations.

The goal of this program is to fund projects that improve our understanding of factors that affect food and nutrition behavior in consumers, and apply this understanding in the development and evaluation of model nutrition intervention programs that are behaviorally-based. This program invites innovative projects on consumer food and nutrition behavior, including: (a) Research on factors influencing dietary behaviors of at-risk populations, including children and adolescents (at home, in school, and in child care settings), ethnic minorities, low-income individuals, overweight individuals, and older adults; (b) research on behavioral factors that may contribute to the development of obesity; (c) exploration and analysis of the impact of community resources on food choices, including the effect of insecure food systems in low-income communities and prevalence of obesity, unhealthy food choices, and related food behaviors; (d) innovative studies, including longitudinal and non-self-report methods of assessing dietary behavior; (e) multidisciplinary studies to examine current theory-based models of behavior change; (f) development and evaluation of diet regimens and intervention(s) at either the individual or community level; (g) development and evaluation of social marketing approaches to target nutrition and health messages to lead to behavior changes; and (h) development of innovative cross-training programs in nutrition and the social sciences.

12.2 Nutritional Impact of Functional Foods. (For clarification of this sub-area, please contact the Program Directors, Ram Rao at (202) 401–6010; e-mail: rrao@reeusda.gov or Melvin Mathias at (202) 720–4124; e-mail: mmathias@reeusda.gov.)

Functional foods are fresh or processed foods containing significant levels of biologically active components that might provide health benefits or desirable physiological effects beyond basic nutrition. The national and international market for functional foods is growing rapidly as consumers are increasingly interested in including functional foods in their diets. Considerable scientific information demonstrates that some food components have the potential health benefits. Additional research is necessary to substantiate the claims of health benefits of the food components and functional foods. Advances in food technology through both traditional processing methodologies, and genetic engineering of foods, have provided the consumer with ever increasing food choices that claim to offer increased health benefits due to selection in favor of certain components.

The goal of this program is to foster integrated research, education and outreach activities to design and improve functional foods from agriculturally important materials. Collaborative international activities, which may lead to the discovery, development, and use of new functional foods with clear prospects as U.S. agricultural products will be considered. Activities that fully integrate and encompass the design of commercially feasible functional foods, characterization of bioactive components, measurement of health benefits, and consumer outreach programs will be given priority. Integration should include a holistic approach to developing functional foods, including an analysis of impact on the food system and on health. Applicants are strongly encouraged to seek industry collaboration.

Examples of potential integrated research, extension and education activities include, but are not limited to: (a) Creation of foods that have increased amounts of the beneficial components found in fruits, vegetables, grains and animal products; (b) interactive (synergistic or antagonistic) effects of the bioactive components as consumed

in the food; (c) improved processes to enhance stability and bioavailability of bioactive components; (d) the design of functional foods with acceptable sensory attributes; (e) the development of methods to monitor the effectiveness of functional foods on improving health and preventing diseases; (f) analysis to support the issuance of regulatory guidelines to ensure the safety and efficacy of functional food products; and (g) provide information usable by and readily available to health professionals and consumers.

Proposals dealing with genetically modified foods that do not fit under the definition of functional foods described in this section or which deal with risk management of biotechnology derived foods should be directed to Program Area 11.1 (Effects of Agricultural Biotechnology on Human and Animal Health) or 11.2 (Social and Economic Aspects of Agricultural Biotechnology); proposals dealing with consumer choices of functional foods for health should be directed to Program Area 12.1 (Consumer Food Behavior).

New Uses For Agricultural Products (Program Area 13.0)

(For clarification of this program area, contact the Program Director, Carmela Bailey, at (202) 401–6443; e-mail: cbailey@reeusda.gov.)

The goal of this program area is to provide for research, education and extension activities that enhance the competitive value, find new uses for, or establish entirely new non-food agricultural and forestry products, primarily biomass fuel sources and biobased industrial products that can replace petroleum-based fuels and products. This program area addresses the Biomass Research and Development Act of 2000, which calls for expanded public investment in research and development of economically competitive, environmentally sound bioenergy and biobased products, and to advance their availability and widespread use. Further, these efforts address the issues of resource depletion and environmental degradation, while building new markets for agriculture.

A comprehensive, system-based approach is required to accomplish the goals of this program area, which encompasses: (a) The development of crop varieties or agricultural wastes for biomass fuel uses and for biobased industrial products; (b) processing biomass; (c) product development; (d) test, evaluation and certification for commercial use; (e) demonstration of final product(s); (f) consideration of environmental impacts of material selection in early stages of product development; (g) life cycle cost evaluation of final product(s); and (h) establishing marketing networks. Accordingly, integration of these activities to the maximum extent practicable, are strongly encouraged. A system-based approach is expected to accelerate research and development and to result in measurable outcomes, i.e. increased production and use of biofuels and biobased products. This initiative strongly encourages research, education, and extension activities that explicitly recognize, account for, and enhance the interaction among growers, processors, manufacturers, markets and the community. To increase profitability to the farm and rural business sectors, applicants are encouraged to develop proposals which include post-harvest processing and manufacturing activities that add value at the local level. In considering environmental impacts of material choices, applicants should refer to EPA's Guidance on Environmentally Preferable Purchasing (www.epa.gov/oppt/epp/guidancepage.htm).

In addition, to facilitate technology transfer and marketing of biobased products, the product demonstration phase should be of sufficient size to generate data for a life cycle cost evaluation. The evaluation should clearly articulate the scope or boundary and the product alternative(s) for which the comparison is being made. A full life cycle assessment, though desirable, is beyond the scope of this RFP, both in terms of time and available funds. However, applicants are encouraged to demonstrate how they have integrated a life cycle perspective in their proposed product development.

The education component is expected to be an integral part of the proposal and should include graduate training at either the Master's degree level or the doctoral degree level. The number of research assistants should match the size and scope of the proposal. Graduate training programs that include curriculum development and/or internships at relevant private companies or national laboratories, or other innovative educational models are strongly encouraged.

Proposers are also encouraged to incorporate collaborative international activities which may lead to the discovery of new or alternative uses, or which improve the prospects for those uses through enhanced production or commercialization, thus improving the prospects for U.S. farmers in the global market.

Natural Resource Management (Including Precision Agriculture)

Successful management of natural resources in an agricultural landscape should address environmental integrity, quality of life, and economic viability. The purpose of this program area is to address how best to integrate the needs of production agriculture, the environment, and society, such that an acceptable sustainable system results.

This area will focus on key environmental problems that are best addressed using a holistic systems approach in the below stated program areas. Priority will be given to proposals that explicitly address the interaction among production, the environment, and the well-being of producers and the general public. Preference will also be given to multi-state, multi-institutional, and multi-disciplinary projects. The emerging agricultural and natural resource issues to be addressed include: System-wide management of natural resources, particulary involving small and mid-sized tracts of privately owned land within a defined geographic area (watershed or eco-region); encroachment and subsequent environmental impact of invasive native and non-native species (all taxa); conservation of biodiversity; animal waste management; and development and evaluation of precision technologies for efficient and sustainable production and harvesting of agricultural and natural resources.

14.1 Alternative Natural Resource Management Practices for Private Lands. (For further information concerning this program sub-area, contact the Program Director, Larry Biles, at (202) 401–4926; e-mail: lbiles@reeusda.gov.)

As the world's population increases, the demands for delivery of natural resource goods and services will also increase. In addition, there is an increasing demand for diversity in the commodities being produced and an increased recognition that such production changes must be accomplished without adversely impacting our capacity to ensure the delivery of goods, services, and a healthy environment to future generations.

This program will support integrated projects which address methods to maintain environmental integrity, quality of life, and economic viability. The focus of this program is on alternative natural resource management for private lands with emphasis on the development and understanding of integrated natural resources management systems for

forest, range, wildlife and aquatic resources that improve our capacity to support natural resources. Proposals should present a scientific framework that qualitatively and quantitatively links production practices, societal preferences, demographics, and economic needs to the impacts on natural resources. Preference will be given to proposals that demonstrate the active participation of the user community that is expected to benefit. Proposals should include a plan for coordination among scientists, state and federal agencies, commodity organizations, environmental groups, and producers to deal with the integrated ecological, technological, economic, social and environmental issues in a specified geographic region.

This sub-area of the initiative is intended to provide the research, extension and education information needed to support the management needs of the small and mid-sized aquatic, range, wildlife, and forest systems owners and managers. Projects should address management practices and technologies that will increase the opportunities for the small to mid-sized manager to operate profitable enterprises that respond to the demands for: (a) Alternative natural resources production, (b) sustainable forestry certification, (c) agroforestry, (d) invasive species management across multiple ownerships, (e) wildlife control and management, (f) nutrient management, (g) maintaining or enhancing biodiversity and ecosystem integrity, including restoration of species and ecosystems, (h) coping with the demands imposed by environmental and regulatory requirements within the increasingly mixed distribution of urban, rural, and wildlands management systems, and (i) training programs to enhance success and adoption of regionally-appropriate practices.

Proposals submitted to this sub-area will enhance our capacity to integrate regionally appropriate data and information to increase long-term, site-specific, and whole system efficiencies and profitability while both minimizing unintended impacts on natural resources and enhancing environmental integrity. Proposals are encouraged that use a whole systems approach (economic, environmental, social and community development) to evaluate the practices most conducive to sustaining small and mid-sized land management systems in the U.S. Partnerships with existing regional and/or long-term projects (including those associated with public lands) also are strongly encouraged.

Proposals should contain a clear plan for technology transfer and adoption. Proposals should clearly describe the type (size and distribution) of the system being evaluated and should include provisions that demonstrate an interdisciplinary problem-solving approach to maintain natural resources sustainability and profitability.

Proposals focusing on the financial security and quality of life of small to mid-sized family-owned pastures should be submitted to Program Area 15.0 (Farm Efficiency and Profitability).

14.2 Non-native Invasive Species. (For clarification of this program area, contact the Program Director, Tom Bewick, at (202) 401–3356; e-mail: tbewick@reeusda.gov.)

The spread of non-native invasive species is one of the greatest threats to the long-term health of agricultural environments. The invasion of plant, animal and microbial pests is a global issue and it is of critical importance to the nation's land and water resources. United States agriculture is both losing income and incurring expenses to address this issue.

This program will focus on newly emerging non-native invasive species that threaten, or are already impacting agricultural, forest and rangeland resources and their associated waterways. In this program, non-native invasive species are defined as species (animal, plant and microbial) that are not indigenous to a particular eco-system and that have not become naturalized there. Priority will be given to proposals that: (1) Strongly justify their proposed work in terms of impact on U.S. agriculture, and (2) contain a substantial extension and/or public education component in addition to research.

Proposals will be considered that address five key areas: (1) Prevention of introductions (including pathway analysis), (2) prevention of spread of newly established invasive species (3) early detection of and rapid response to invasion, (4) monitoring of control efforts, and (5) quantification of impact of the invasive species (e.g. economic and/or ecological). The emphasis of this program will be to fund proposals that contain objectives that create a measurable outcome that can be realized within a relatively short period of time. Proposals should clearly indicate the nature of the impact expected to result should the proposal be funded. In addition, proposals should present a rationale for how the results of the work will be integrated into an overall management plan.

14.3 Animal Manure Management. (For clarification of this program area, contact the Program Director, Richard Hegg, at (202) 401–6550; e-mail: rhegg@reeusda.gov.)

There is a great need to prevent the degradation of air, soil, and water resources by food animal production systems and to protect the ecological integrity of forest, rangeland, crop, aquatic, estuarine, and marine systems. Proper management of manure resulting from various production systems is one of the most critical issues facing the food animal industry. Animal feeding operations vary by region, species, size, and management requirements, so that each operation is site-specific and must be managed accordingly. Physical, chemical and/or biological treatment techniques may be used to reduce the pollution potential of animal manure. Regulation of animal feeding operations at the local, state and federal level is undergoing rapid change. An overall goal of this program is to improve American agriculture, environmentally and economically.

Proposals for this section will support integrated research, education and extension on regional or multi-state systems that will ultimately reduce adverse environmental and human health impacts of animal manure. Proposals will be considered that develop and evaluate manure management practices, and treatment systems for the protection of natural resources. Proposals which employ a watershed, landscape-scale approach are encouraged and could include the transport and fate of nutrients and/or pathogens from animal manure through air, water and soil. The incorporation of comprehensive nutrient management planning in educational programs is encouraged, as is the development of partnerships with already established waste management centers.

This sub-program will accept proposals which address the following topical areas: (a) Determination of the effects of animal manure nutrient content and quality, and extension of this knowledge to producers or companies who may in turn modify their feed; (b) resolving community and regulatory concerns about siting, land application, health and economic issues; (c) determination and prediction of odor, gas and particulate matter impacts on the atmosphere and society, and development of management strategies to alleviate such impacts; (d) understanding and predicting source, delivery and fate of pathogens, antibiotics and/or endocrine disruptors (hormones) in the environment and their potential effects of the environment; and (e) development and implementation of alternative waste

treatment technologies and alternative animal production systems.

Proposals should indicate which of the following animal groups will be addressed: swine, dairy, beef, poultry or aquaculture. If appropriate, the proposal should address the economic aspects of the described process, methodology, practice, etc. as it affects agriculture and the environment.

Proposals focusing on producing and marketing value-added products from manure should be submitted to IFAFS Program Area 13.0 New Uses for Agricultural Products. Proposals that are predominantly water quality or food safety should be submitted to The Integrated Research, Education and Extension Grant Program. This program description can be found at www.reeusda.gov/1700/funding/11__99–406.htm.

14.4 Application of Geospatial and Precision Technologies. (For FY 2001, the Application of Geospatial and Precision Technologies will be offered through a separate solicitation for a joint USDA/NASA Application of Geospatial and Precision Technologies Program. See the CSREES website, www.reeusda.gov, under ''funding opportunities'' for additional information concerning this program.)

Farm Efficiency and Profitability (Program Area 15.0)

(For clarification of this program area, contact the Program Director, Don West, at (202) 720–5633; e-mail: dwest@reeusda.gov; Mark Bailey, at (202) 401–1898; e-mail: mbailey@reeusda.gov; or Denis Ebodaghe, at (202) 401–4385; e-mail: debodaghe@reeusda.gov.)

Dramatic changes in the global agricultural environment and in domestic farm programs have created new challenges for U.S. farmers as they strive to maintain the efficiency and profitability of their operations and the financial viability of their families and communities. This program emphasizes the use of existing data and emerging information to synthesize and deliver knowledge that improves profitability for families operating small and medium-sized farms. Proposals that address the concerns of family-owned farms with limited financial resources will be given priority. Proposals should indicate how target audiences will benefit from the proposed programs/projects. Proposals ideally will address issues using a system-wide approach. For instance, a new crop diversification management scheme should consider potential markets, impact on total farm income and availability of inputs, and risk management tools for the new production plan.

All proposals submitted to this program area will undergo a peer review in which the efficiency and profitability of small and medium-sized farms is the most important criterion. New partnerships and new administrative mechanisms that involve universities, industry, profit/non-profit organizations and/or community colleges are also important criteria. Consideration will be given to system approaches useful in meeting the production, marketing, capital and human resource needs associated with dairy, livestock, crop and other commodity operations. This priority area recognizes linkages with natural resources and environmental issues, and the importance of strengthening the financial viability of farm operations, families, and communities. Such proposals should provide information on the connections between the sustainability of small and medium-sized farms and the viability of their communities.

Projects that utilize a systems approach and are national or regional in scope are encouraged as are those that incorporate research, extension, and educational functions. Proposals that incorporate farmer input in problem identification and have high scientific merit in project design, methodology and analytical procedures will be given priority. Appropriate innovative methodologies are encouraged, including those that make use of electronic technology in delivery of extension and formal education programs. Applicants with a strong track record of working with owners and managers of small and medium-sized farms are encouraged to apply.

Applicants are encouraged to submit research, extension, or education proposals that address one or more of the following areas:

(a) Development of management (e.g., pest, crop, animal, nutrient, economic) systems that improve efficiency and profitability, including the reduction of capital and input costs or the diversification of crop and livestock enterprises;

(b) development of effective marketing programs, including the use of farmers' markets, community-supported agriculture, marketing to restaurants and schools, cooperative approaches to use of inputs and marketing, organic production and marketing, Internet marketing, global markets, and agrotourism;

(c) development of farm-based value-added processing and new high-return production and marketing niches;; and

(d) development of programs/projects that improve access to knowledge and decision-making tools (e.g. production decision tools, formal and informal education in entrepreneurship, business planning and marketing for new or modified enterprises, and farm and family financial planning and management) that allow producers to increase options for farm efficiency and profitability in regional and local economies, including planning and building community support; and (e) development of programs/projects that improve access to and management of financial resources, including physical and production capital, financial services, innovative investment capital strategies, human capital (including availability and effective management of labor), and infrastructure and social capital (community resources and institutions). Projects addressing management of risks faced by farmers and ranchers should be directed to the Risk Management Education Program of CSREES.

Critical or Emerging Issues Grants (Program Area 16.0)

(For clarification of this program area, contact the Program Director, Rodney Foil, at (202) 720–7441; e-mail: rfoil@reeusda.gov.) Proposals submitted to this program area (16.0) may not be submitted to any other program area.

IFAFS is offering the opportunity to consider applications based upon critical issues that transcend the specific elements of the individual IFAFS program areas as well as those issues that are of emerging significance.

A number of critical issue areas do not fit clearly within the specified IFAFS program areas announced in this solicitation. Other urgent or unforeseen agricultural problems and opportunities may present themselves after the IFAFS deadline. To permit these two issues areas to be addressed, CSREES is allowing the submission of Critical or Emerging Issues proposals up to six weeks after the IFAFS deadline date. Proposals should relate generally to an area of interest in the IFAFS program but be a critical need that clearly falls outside the boundaries of the existing program areas or be an emerging issue that has recently arisen.

Proposals designated as Critical or Emerging Issues will be judged by a much higher standard of relevance to critical and/or immediate issues than will those projects that address the elements of the program directly. Critical or Emerging Issues grants should make the case for their merit with strong evidence of the uniqueness or urgency of the issue and of the work

proposed, and explain why the proposal could not have fit and been submitted to an existing IFAFS program area at the original deadline. The Critical or Emerging Issues grants will be subject to panel review in the subject area concerned, and in addition will undergo a second evaluation in which meritorious Critical or Emerging Issues proposals from all subject panels are considered. It is unlikely that many of these proposals will be funded, and those who submit under this category bear the burden of proof as to the uniqueness and urgency of the need.

Applicants are cautioned to not use the Critical or Emerging proposal category as a way to circumvent the IFAFS deadline date.

Multidisciplinary Graduate Education Traineeship (MGET) Program for Food and Agricultural Sciences (Program Area 17.0)

(For clarification on this sub-area, please contact the Program Director, Howard Sandberg, at (202) 720–2193, e-mail: hsandberg@reeusda.gov.)

The purpose of the MGET program is to meet the challenges of educating scientists, engineers, and educators with graduate level multidisciplinary backgrounds and the technical, professional, and personal skills needed for the career demands of future agriculture. The program is intended to catalyze a cultural change in graduate education, for students, faculty, and universities, by establishing new, innovative models for graduate education and training in a fertile environment for collaborative research, education, and extension that transcends traditional disciplinary boundaries in agriculture. It is also intended to facilitate greater diversity in student participation and preparation and to contribute to the development of a diverse, globally-aware, agricultural research, education, and extension workforce.

Proposals submitted to the MGET program must be innovative, research-based, graduate education and training activities in priority mission areas of agriculture. At least two academic departments must be represented in each grant application. Submissions from multiple institutions are also encouraged. Proposals must be organized upon a multidisciplinary theme and involve a diverse group of faculty members and other investigators with appropriate expertise in research, education and extension. The multidisciplinary theme provides a framework for integrative, collaborative efforts across departments and institutions. Students should gain various strengths while maintaining competence in a major field by focusing on problem-oriented rather than discipline-oriented education and research. The MGET project should offer experience relevant to both academic and nonacademic careers by linking graduate education and research, through internships and mentoring, with research and extension in industry, national laboratory, or other settings. The globalization of graduate education and career opportunities places importance on an international perspective in graduate education, such as through internships abroad or other experiences appropriate to the agricultural education and research areas. The graduate experience should also equip students to understand and integrate scientific, technical, business, social, and ethical issues to confront the challenging agricultural problems of the future. The coherent multidisciplinary theme may draw upon investigators from two or more academic departments within a single institution or from more than one institution. Because the primary emphasis of the MGET program is on innovative approaches to education and training of graduate students, proposals must make clear what is different from existing programs at the institution. Participation of individuals at the undergraduate, graduate and postdoctoral levels may be included if such participation clearly strengthens the graduate traineeship program. Please bear in mind that all stipend recipients must be citizens or permanent residents of the U.S.

MGET projects are expected to incorporate the following features:

- A comprehensive multidisciplinary theme, appropriate for graduate-level education, to serve as the foundation for traineeship activities;
- Integration of the coherent multidisciplinary theme with innovative graduate education and training mechanisms, curricula, and other educational opportunities that foster strong interactions among participating students and faculty;
- An environment that exposes students to a broad base of state-of-the-art technologies and methodologies in agriculture;
- Provision for developing professional and personal elements such as communication, teamwork, and leadership;
- Integrated instruction in ethics and the responsible development of science policy and the conduct of research, education, and extension;
- Opportunities for career development, such as may be provided by internships in international, industrial, national laboratory, or other settings;
- Fostering of a global perspective for students;
- Formal administrative plan and organizational structure that ensures effective management of the requested resources to achieve the goals of the MGET project;
- Institutional strategy and operational plan for student recruitment, mentoring, and retention efforts aimed at members of groups under-represented in science and engineering (i.e., women, racial and ethnic minorities, and persons with disabilities) to ensure preparation of a diverse science and engineering workforce; and
- Well-defined strategy and methodology for internal, external, and independent assessment of project performance.

The Principal Investigator/Project Director (PI/PD) shall be the director of the MGET project, and is expected to be an essential participant in its education, research, and extension activities. The PI will have overall responsibility for administration of the award, management of the project, and for interactions with CSREES. The PI and the home institution are expected to develop an administrative structure for the MGET project that enables faculty members, students, and others involved to interact effectively in furthering the project's goals.

Part III—Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CSREES website (www.reeusda.gov/IFAFS). If you do not have access to the CSREES web page or have trouble downloading material, you may contact the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. When calling the Proposal Services Unit, please indicate that you are requesting forms for IFAFS. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. State that you want a copy of the Program Description and application materials (orange book) for the Fiscal Year 2001 Initiative on Future Agriculture and Food Systems (IFAFS).

B. Content of Proposals and Letter of Intent

1. Letter of Intent

Applicants are strongly encouraged to submit a Letter of Intent before submitting a full proposal. Indicate the

IFAFS program area to which you plan to apply. In addition, this letter should contain these three parts: (1) a descriptive title of the proposed project; (2) names and roles of principle investigator(s)/project director(s) and other key personnel along with their institutions; and (3) a brief statement of approaches and objectives (500 words or less). This information will be used by CSREES staff in planning the review process. Because Letters of Intent will not be distributed for peer review, there will be no feedback from CSREES staff regarding the content of these letters. See Deadline Dates section of this RFP for specific mailing instructions. Failing to submit a Letter of Intent will not preclude applicants from submitting full proposals, however a Letter of Intent is nonetheless encouraged.

2. Project Proposals

a. General. The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(1) The proposal should be prepared on only one side of the page using standard size (8½'' x 11'') white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(2) Each page of the proposal, including the Project Summary, budget pages, required forms, and any appendices, should be numbered sequentially.

(3) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 14 copies (15 total) must be submitted in one package, along with 10 copies of the ''Project Summary'' as a separate attachment.

(4) If applicable, proposals should include original illustrations (photographs, color prints, etc.) in all copies of the proposal to prevent loss of meaning through poor quality reproduction.

Small or *mid-sized institutions:* An academic institution is eligible as small- or mid-sized if the institution is under 15,000 in total enrollment (including part-time students) and is not listed in Appendix A(Most Successful Universities and Colleges for Receiving Federal and/or National Research Initiative Funds).

b. Cover Page.

Each copy of each grant proposal must contain an ''Application for Funding'', Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing principal investigator(s)/project director(s)(PI/PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PI/PD or co-PI/PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the ''Application for Funding'' form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(1) Title of Project (Block 6). The title of the project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as ''investigation of,'' ''research on,'' ''education for,'' or ''outreach that'' should not be used.

(2) Program to Which You Are Applying (Block 7). ''IFAFS''.

(3) Program Area and Number (Block 8). The name of the program component, e.g. Plant Genome, 10.1 or Behavior of Food Choice, 12.1. should be inserted in this block.

(4) Type of Award Request (Block 13). Check the block for ''new'', ''resubmission'' or ''renewal.''

(5) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). The designation of excessive numbers of co-PI/PDs creates problems during final review and award processing. Listing multiple co-PI/PDs, beyond those required for genuine collaboration, is therefore discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(6) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box ''03'' should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

(7) Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided. Complete the ''Application for Funding,'' Form CSREES–661, in its entirety.

(8) One copy of the ''Application for Funding'' form must contain the signatures (in ink) of the PI/PDs and authorized organizational representative for the applicant organization.

c. Table of Contents. For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal. Page numbers should begin with the first page of the Project Description.

d. Project Summary. The proposal must contain a Project Summary of 250 words or less on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and institutions of all PI/PDs and co-PI/PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on: overall project goal(s) and supporting objectives; plans to accomplish the project goal(s); and relevance of the project to IFAFS goals and to U.S. agriculture. The importance of a concise, informative Project Summary cannot be overemphasized. If the lead institution is eligible as a small and mid-size institution (Project Grant or Bridge Grant) as defined in Part I., Section C.(23), of this document include a separate sentence on the Project Summary page indicating that the institution is ''eligible for small-and mid-sized and Bridge Grant consideration.'' For special provisions for MGET proposals, see Part III.,B.4.a.

e. Response to Previous Review. This requirement only applies to Resubmitted Proposals as described under Part I.F.3, Types of Proposals. Resubmitted proposals are proposals that had previously been submitted to IFAFS but not funded. For these proposals, the principle investigator(s)/ project director(s) must respond to the previous panel summary on no more than one page, titled Response to

Previous Review, which is to be placed directly after the Project Summary. If desired, additional comments and responses to the previous panel summary may be included in the text of the Project Description, subject to the page limitation.

f. Project Description. The written text may not exceed 20 single-or double spaced pages of written text including figures and tables, but excluding citations.

Each proposal's Project Description should contain the following:

(1) Introduction—A clear statement of the long-term goal(s) and supporting objectives of the proposed activities should be included. Summarize the body of knowledge or other past activities which substantiates the need for the proposed project. Describe ongoing or recently completed significant activities related to the proposed project including the work of key project personnel. Preliminary data/information pertinent to the proposed project should be included;

(2) Relevance and significance—The objectives' specific relationship to the goals of the IFAFS and to the particular program area should be stated. Include a description of the significance of the activity and its value in improving agriculture through research, education and extension. Clearly describe the potential impact of the project. (For Critical or Emerging Issues proposals, see Part III.,B.3.)

(3) Approach—The activities proposed or problems being addressed must be clearly stated and the approaches being applied clearly described. The following should be included: (a) A description of the activities proposed; (b) methods to be used in carrying out the project, including the feasibility of the methods; (c) expected outcomes; (d) means by which results will be analyzed, assessed, or interpreted; and (e) how results or products will be used.

(4) Time Table—Provide an expected time line for completing the project in the requested duration.

(5) Collaborative Arrangements—Identify collaborations and provide a full explanation of the nature of the collaborations.

(6) Management Plan—It is expected that larger more complex projects (usually greater than $1 million) will require more extensive and complicated coordination and collaboration than is typically proposed for more focused projects. Therefore, explain how the project will be managed to ensure efficient administration of the grant and how activities will be integrated most effectively. Place this description after the Project Description.

(7) Evaluation and Monitoring of Project—Provide a plan for assessing and evaluating the accomplishments of the stated proposal objectives during the project and describe ways to determine the effectiveness of the end results during and upon termination of the project. In addition to the evaluation and monitoring of accomplishments associated with the project, evaluation and monitoring of the administration of the project must also be included if the project is complex and requires administrative oversight and extensive management. This description should include how funds and resources will be allocated so that collaborative participation of all parties throughout the duration of the project is ensured. (For special provisions regarding MGET proposals, see Part III., B.4.6.)

g. References in Project Description. All references cited should be complete, including titles and all co-authors, and should conform to an accepted journal format.

h. Appendices to Project Description. Appendices to the Project Description are allowed if they are directly germane to the proposed project and are limited to a total of two of the following: reprints (papers that have been published in peer reviewed journals) and preprints (manuscripts in press for a peer reviewed journal; these must be accompanied by a letter of acceptance from the publishing journal).

i. Key Personnel. All senior personnel who are expected to be involved in the effort should be clearly identified. For each person the following should be included:

(1) The roles and responsibilities of each PI/PD should be described;

(2) An estimate of time commitment for each PI/PD; and

(3) Vitae of each PI/PD, senior associate and other professional personnel. This section should include vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. The vitae should be limited to two (2) pages in length, excluding publication lists. A chronological list of all publications in refereed journals during the past four (4) years, including those in press, must be provided for each project member for which a curriculum vitae is provided. Also list those non-refereed technical publications which have relevance to the proposed project. All authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

j. Conflict-of-Interest List. A Conflict-of-Interest List must be provided for all individuals involved in the project (identified as key personnel). Each list should be on a separate page and include alphabetically the full names of the individuals in the following categories: (a) All collaborators on projects within the past four years, including current and planned collaborations; (b) all co-authors on publications within the past four years, including pending publications and submissions; (c) all persons in your field with whom you have had a consulting or financial arrangement within the past four years who stand to gain by seeing the project funded; and (d) all thesis or postdoctoral advisees/advisors within the past four years (some may wish to call these life-time conflicts). This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the personnel in the grant proposal. The Program Director, under the specific area or sub-area, must be informed of any additional conflicts-of-interest that arise after the proposal is submitted.

k. Collaborative and/or Subcontractual Arrangements. If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. If the need for consultant services is anticipated, the proposal budget narrative should provide a justification for the use of such services, a statement of work to be performed, a resume or curriculum vitae for each consultant, and rate of pay for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (e.g., requests for outside laboratory analyses) are excluded from this requirement.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR Part 3019, USDA Uniform Administrative Requirements for Grant and Other Agreements with Institutions

of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from Sections 40–48 (''Procurement Standards'') and Appendix A (''Contract Provisions'') of 7 CFR 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

1. Budget. (1) Budget Form—Prepare the budget, Form CSREES–55, in accordance with instructions provided. Budgets of up to $5 million may be requested. Budgets should be commensurate with activities proposed. A budget form is required for each year of requested support. In addition, a cumulative budget is required detailing the requested total support for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a Budget Narrative to justify their budgets (see paragraph (2) below.) For special provisions for MGET proposals, see Part III.B.4.c.

The following guidelines should be used in developing your proposal budget(s):

(A) Salaries and Wages. Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

(B) Fringe Benefits. Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

(C) Nonexpendable Equipment. Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

(D) Materials and Supplies. The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative.

(E) Travel. The type and extent of travel and its relationship to project objectives should be described briefly and justified. If foreign travel is proposed, the country to be visited, the specific purpose of the travel, a brief itinerary, inclusive dates of travel, and estimated cost must be provided for each trip. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR Part 3015.205(b)(4) for further guidance.

(F) Publication Costs/Page Charges. Include anticipated costs associated with publications in a journal (preparing and publishing results including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) and audio-visual materials that will be produced. Photocopying and printing brochure, etc., should be shown in Section I., ''All Other Direct Costs'' of Form CSREES–55.

(G) Computer (ADPE) Costs. Reimbursement for the costs of using specialized facilities (such as a university-or department-controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

(H) All Other Direct Costs. Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the ''Instructions for Completing Form CSREES–55, Budget,'' of the Application Kit for detailed guidance relating to this budget category. Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

(I) Indirect Costs—Section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) limits indirect costs for this program to 19 percent of total Federal funds provided under each award. Therefore, the recovery of indirect costs under this program may not exceed the lesser of the institution's official negotiated indirect cost rate or the equivalent of 19 percent of total Federal funds awarded. If no rate has been negotiated, a reasonable dollar amount (equivalent to less than 19 percent of total Federal funds requested) in lieu of indirect costs may be requested, subject to approval by USDA.

m. *Budget Narrative.* All budget categories, with the exception of Indirect Costs for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form. Explanations of matching funds or lack thereof on commodity-specific projects also are to be included in this section.

n. *Matching Funds.* If an applicant concludes that matching funds are not required as specified in Part I. E, a justification should be included in the Budget Narrative. CSREES will consider this justification when ascertaining final matching requirements. CSREES retains the right to make final determinations regarding matching requirements.

For those grants requiring matching funds as specified in Part I. E., proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(1) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) the name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) the dollar amount of the cash donation; and (e) a statement that the donor will pay the cash contribution during the grant period; and

(2) For any third party in-kind contributions, a separate pledge

agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) the name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) a good faith estimate of the current fair market value of the third party in-kind contribution; and (e) a statement that the donor will make the contribution during the grant period.

The sources and amount of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to OMB Circulars A–21, Cost Principles for Educational Institutions, A–87, Cost Principles for State, Local, and Tribal Governments, A–122, Cost Principles for Non-Profit Organizations, and for-profit organizations, the cost principles in the Federal Acquisition Regulation at 48 CFR 31.2 (see 7 CFR 3015.194).

o. *Current and Pending Support.* All proposals must contain Form CSREES–663 listing other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to the possible sponsors will not prejudice proposal review or evaluation by the CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

p. Assurance Statement(s), (Form CSREES–662). A number of situations encountered in the conduct of projects require special assurances, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will involve the following:

(1). Recombinant DNA or RNA Research.

As stated in 7 CFR 3015.205 (b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, ''Guidelines for Research Involving Recombinant DNA Molecules,'' as revised. If your project proposes to use recombinant DNA or RNA techniques, you must so indicate by checking the 'yes' box in Block 19 of Form CSREES–661 (the Cover Page) and by completing Section A of Form CSREES–662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

(2). Animal Care. Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel identified in a proposal and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1966, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR Parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals, you should check 'yes' on block 20 of CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

(3) Protection of Human Subjects—Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L No. 93–348, as amended, and implementing regulations promulgated by the Department under 7 CFR Part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the 'yes' box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

q. Certifications. Note that by signing Form CSREES–661 the applicant is providing certifications required by 7 CFR Part 3017, as amended, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

r. Compliance with the National Environmental Policy Act (NEPA) Form CSREES–1234. As outlined in 7 CFR Part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In some cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, ''NEPA Exclusions Form,'' must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefore. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be included as the last page of this proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may

cause such activity to have a significant environmental effect.

3. Critical or Emerging Issues Proposals

Proposals submitted to the Critical or Emerging Issues Program Area 16.0 should contain all of the components listed above for a Project grant application. In addition the ''Relevance and Significance'' section of the proposal should include a statement explaining, with strong evidence, the uniqueness or urgency of the issue and of the work proposed, and an explanation why the proposal could not have fit and been submitted to an existing IFAFS program area at the original deadline.

4. MGET Proposals

Proposals submitted to the MGET Program Area 17.0 should contain all of the components listed above for a Project Grant application with the following exceptions:

a. Project Summary—On the Project Summary Page provide a brief description of the traineeship program, including the multidisciplinary education features, objectives, and related theme.

b. Project Description—The project description section should contain the following items:

(1) List of Participants—Include departmental and institutional affiliation of all faculty members and senior level personnel expected to mentor students or otherwise play an important role in the project;

(2) Vision, Goals, and Thematic Basis—Discuss the vision, goals, and anticipated impact of the proposed MGET project. Describe the thematic basis and unifying aspects of the multidisciplinary research, education, and extension activities to be offered. Discuss what is currently missing from graduate education and training or what could be done more effectively, and how the proposed project will address these issues. How will this project meet national needs for placement of the graduates in the workforce? Benefits to be realized from opportunities for cross-disciplinary cooperation in education, research, and extension should be emphasized. What is new and innovative?

(3) Education and Training—Describe the multidisciplinary education and training activities central to the proposed MGET project. Novel aspects should be emphasized to help reviewers judge potential impacts of proposed activities. Indicate how the proposed educational, research, and extension experiences will be integrated into an effective graduate traineeship program. Needs for interdisciplinary courses must be justified. If planned student training includes international, industrial or other internships, potential mentors should be identified. Describe provisions for developing professional and personal elements such as communication, teamwork, leadership, international perspective, and instruction in ethics, policy, and responsible conduct of science, education and extension. Elaborate on the role of diversity, and on the expected time for completing the degree. The role of undergraduate, graduate, and postdoctoral components, when proposed, must be described with sufficient detail to clarify the benefit to the graduate traineeship program and to justify support.

(4) Major Research Efforts—Describe the major research efforts that are intended to serve as the foundation of the MGET project. At most, five (5) research areas may be described. This restriction is to limit the size of the proposal, not the number of participating faculty members or the scope of the project. In describing research areas, emphasize the cutting-edge aspects as well as how the research areas integrate to form the coherent thematic basis for the multidisciplinary project. Each research area must specify faculty members and principal participants and be written in sufficient detail to enable assessment of scientific merit and impact. Be clear about what is different from existing programs. Needs for special materials, shared instruments, or travel must be justified in the context of the research areas for which they are required.

(5) Recruitment and Retention—Describe plans for recruitment, mentoring, and retention of trainees, including provisions for members of groups under-represented in the food and agricultural sciences. Identify the graduate program(s) in which the MGET graduate students may enroll.

(6) Organization and Management—Describe plans and procedures for organization and management of the proposed activity. The plan should be specific and clear, and include a formal mechanism that assures fair and effective allocation of group resources. Procedures for selecting students and others who will receive stipends or share in group funds must be described, as should methods for allocating use of shared equipment to be acquired with MGET funds. Relationships to other faculty and equipment at the institution, and elsewhere if relevant, should be described as should the relationship to existing grants that provide funds for related training and educational activities.

(7) Performance Assessment—Describe a performance plan and methodology that relates the goals of the project to indicators and specific measurements for assessing progress toward goal achievement. This should involve evaluators external to the project, who can render an objective evaluation and whose expertise spans the education, research, and extension objectives of the project.

(8) Recruitment and Retention History—Explain your capacity to host an MGET site, and past performance and ability to attract well-qualified students, including those from under-represented groups. Provide the following information regarding recruitment and retention of students in the participating departments/programs: (a) Total applicants, (b) total applicants accepted, (c) total applicants enrolled, (d) total students currently enrolled in the program indicating part-time and full-time status, (e) total number of masters and doctorates awarded, (f) average time to degree, (g) other relevant measures of student success. Provide separate data for women, under-represented minorities, and persons with disabilities for each of the above categories. A tabular format should be used with separate tables for each participating department/program.

(9) Recent Training Experience—Provide information about any recent experience with other traineeship programs, including a discussion of outcomes. If the MGET program builds on a recent traineeship experience, discuss what would be the new value-added aspects of the project.

(10) Collaborators—To identify potential conflicts of interest in the review process, provide a consolidated alphabetical list of current and past collaborators during the last four (4) years, and their current institutional affiliation, for all personnel in List of Participants. This list must also include former graduate students and postdoctoral fellows who have been associated with the faculty participants over the last four years.

(11) Existing Facilities and Equipment—Include a brief description of available facilities, including major instruments required. If requested equipment or materials duplicate existing items, explain the need for the additional equipment.

c. Budget—Provide a budget for each year of support requested, not to exceed $500,000 each year for up to four years, exclusive of first-year equipment funds discussed below. The major portion of awarded funds must be used for

graduate student stipends, training and educational activities, and for related expenditures, such as student travel, publication costs, and recruitment. Travel funds should be budgeted in each year for the PI/PD and for an additional person to attend annual meetings in Washington, D.C. No funds for faculty research or extension or faculty salaries may be requested, with the exception that up to one month per year of salary support for the PI/PD for management purposes may be requested. Support for short-term visitors and funding of a limited amount of administrative support may be requested. The contribution to the graduate stipend is up to $18,000 per year per student, accompanied with a cost-of-education allowance of up to $10,500 per year per student (tuition and normal fees). List funds requested for graduate students' stipends in A.2.c, cost-of-education allowances in I, and travel in F of the budget form. Undergraduate stipends and postdoctoral stipends may be determined by the institution. If applicable, they should be listed separately on lines A.2.d and A.2.a of the budget form, respectively. All stipend recipients must be citizens or permanent residents of the U.S. Funds for the purchase of shared, special-purpose equipment may be requested. Personnel and shop costs may be requested for developing and constructing special instruments, and for purchasing computer software or other special purpose materials. The total funds requested for equipment, software, and special purpose materials may not exceed $200,000; if awarded, these funds will be provided in the first year of the grant. Limited funds intended to partially defray the costs of research and extension by students may also be requested. Funds for facility renovation or for equipment installation or maintenance are not allowed. For multi-institution projects, the lead institution shall submit the proposal, with other participating institutions included under subcontracts.

C. Submission of Proposals

1. When To submit (Deadline Date)

''Letters of Intent'' must be received by March 23, 2001. Proposals must be received by COB (5:00 p.m. EST) on April 23, 2001. Proposals received after this date will not be considered for funding.

2. What To Submit

For full proposals, an original and 14 copies must be submitted. In addition submit 10 copies of the proposal's Project Summary. All copies of the proposals and the Project Summaries must be submitted in one package.

3. Where To Submit

Applicants should e-mail the ''Letter of Intent'' to Dr. Rodney Foil at rfoil@reeusda.gov or send the letter by mail to IFAFS; Mail Stop 2213; Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; 1400 Independence Avenue, SW.; Washington, D.C. 20250–2213; or fax the letter to IFAFS at (202) 690–3858.

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Initiative for Future Agriculture and Food Systems, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; Room 1307, Waterfront Centre, 800 9th Street, SW., Washington, D.C. 20024, (202) 401–5048.

Proposals sent via the U.S. Postal Service must be sent to the following address: Initiative for Future Agriculture and Food Systems, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, S.W., Washington, D.C. 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part IV—Review Process

A. General

All proposals will be reviewed together by a panel in the pertinent program area. Prior to technical examination, a preliminary review will be made for responsiveness to the program area. Proposals that do not fall within the guidelines as stated in the Program Area Description will be eliminated from program competition and will be returned to the applicant.

Individual written comments and in-depth discussions will be provided by a peer review panel prior to recommending applications for funding. Peer review panel members will be selected based upon their training and experience in relevant scientific, extension, or education fields taking into account the following factors: (a) The level of formal scientific, technical education, and extension experience of the individual, as well as the extent to which an individual is engaged in relevant research, education or extension activities; (b) the need to include as peer reviewers experts from various areas of specialization within relevant scientific, education, and extension fields; (c) the need to include as reviewers other experts (producers, range or forest managers/operators, consumers, etc.) who can assess relevance of the proposals to targeted audiences and to program needs; (d) the need to include as peer reviewers experts from a variety of organizational types (e.g., colleges, universities, industry, state and Federal agencies, private profit and non-profit organizations), and geographic locations; (e) the need to maintain a balanced composition of peer review groups with regard to minority and female representation and an equitable age distribution; and (f) the need to include members that can judge the effective usefulness to producers and the general public of each proposal.

B. Evaluation Factors

1. Project Grants

Priority will be given to projects that integrate agricultural research, education and extension and projects that have included the appropriate team to achieve the goals of the project, notably teams that are multistate, multi institutional or multidisciplinary.

The following evaluation factors apply to all proposals.

a. Relevance. All proposals will be judged as to their relevance to critical emerging agricultural issues related to future food production; environmental quality, and natural resource management; or farm income. Further factors include:

(1) Documentation that the research, extension and education activities are directed towards current or likely future problems or problems identified in this document;

(2) Evident linkage of research, extension and education functions.

(3) Evidence of involvement of stakeholders and/or communities of interest.

b. Merit. All proposals will be judged on their scientific, extension, or education merit including:

(1) Novelty, innovation, uniqueness, and originality;

(2) Conceptual adequacy of the research, extension and education components;

(3) Clarity and delineation of objectives;

(4) Adequacy of the description of the undertaking and suitability and feasibility of methodology;

(5) Demonstration of feasibility;

(6) Probability of success of the project;

c. Quality. All proposals will be judged on their quality including:

(1) Selection of most appropriate and qualified individuals to address the problem;

(2) Training and demonstrated awareness of previous and alternative approaches to the problem identified in the proposal, and performance record or potential for future accomplishments;

(3) Time allocated for systematic attainment of objectives;

(4) Institutional experience and competence in subject area;

(5) Adequacy of available or obtainable support personnel, facilities, and instrumentation;

(6) Adequacy of plans for reporting, assessing and monitoring of results of the project over its duration.

(7) The planned administration of the project and its maintenance, partnerships, collaborative efforts, evaluation and monitoring efforts, and the planned dissemination of information over the duration of the project.

2. Bridge Grants

Bridge grants will be judged using the same evaluation factors as Project Grants. In addition the following factor will be applied once a project has been identified for BRIDGE grant consideration:

All proposals under consideration for Bridge grant support will be judged as to the potential that further funding will sustain and enhance important collaborations and activities that might lead to future program success or success in obtaining IFAFS and/or other grants.

3. Critical or Emerging Issues Grants

Critical or Emerging Issues grants will be judged using the same evaluation factors as Project Grants. In addition the following factor will be applied:

All proposals will be evaluated as to the uniqueness or urgency of the issue and of the work proposed and whether support of the project will likely provide results that are applied to an issue that otherwise would not have been funded through typical IFAFS support.

4. Multidisciplinary Graduate Education Traineeship (MGET) Grants

MGET proposals will be judged using the following criteria:

a. How well the proposal addressed recognized needs for highly trained personnel in the research, education and extension programs supporting the food and agricultural system of the U.S.;

b. Whether attention has been given to opportunities for removal of cultural and technical barriers preventing appropriate growth and development of new disciplines with emerging technologies;

c. How well the proposal integrates disciplines across physical, biological and social sciences to meet integrated agricultural and food science needs as well as meeting needs for supplying future extension personnel and practitioners;

d. The intellectual merit, qualifications of the proposed leadership team and the sufficiency of the proposed resources;

e. How well the proposing institution(s) provide abundant opportunities for individuals to concurrently assume responsibilities as researchers, educators, extensionists, and students where all can engage in joint efforts that infuse education with the excitement of discovery and enrich research and extension through the diversity of learning perspectives;

f. How well the proposal integrates diversity into programs, projects, and activities by broadening opportunities and enabling the participation of all citizens—women and men, under-represented minorities, and persons with disabilities—which is essential to the health and vitality of the food and agricultural sciences. CSREES is committed to this principle of diversity and deems it central to the programs, projects, and activities it considers and supports;

g. Successful proposals should include provisions for developing personal and professional competencies in communications, teamwork, leadership, and ethics with opportunities for internships and other career development opportunities should be provided for as appropriate, and an emphasis on the global dimensions of the subject area as an integral part of the program.

C. Conflicts-of-Interest and Confidentiality

During the peer evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflicts-of-interest, the academic and administrative autonomy of an institution shall be determined by reference to the January 1998 issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and peer evaluations, will be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of peer reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants. At the end of the fiscal year, names of panelists will be made available in such a way that the panelists cannot be identified with the review of any particular proposal.

Part V—Additional Information

A. Access To Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PI/PD after the review process has been completed.

B. Grant Awards

1. General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

2. Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

3. Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

C. Funding Mechanisms

The two mechanisms by which grants may be awarded are as follows:

1. *Standard grant.* This is a funding mechanism whereby the Department agrees to support a specified level of effort for a predetermined time period without the announced intention of providing additional support at a future date.

2. *Continuation grant.* This is a funding mechanism whereby the Department agrees to support a specified level of effort for a predetermined period of time with a statement of intention to provide additional support at a future date, provided that performance has been satisfactory, appropriations are available for this purpose, and continued support will be in the best interests of the Federal government and the public. This kind of mechanism normally will be awarded for an initial one-year period, and any subsequent continuation project grants will be awarded in one-year increments. The award of a continuation project grant to fund an initial or succeeding budget period does not constitute an obligation to fund any subsequent budget period. Unless prescribed otherwise by CSREES, a grantee must submit a separate application for continued support for each subsequent fiscal year. Requests for such continued support must be submitted in duplicate at least three months prior to the expiration date of the budget period currently being funded. Decisions regarding continued support and the actual funding levels of such support in future years usually will be made administratively after consideration of such factors as the grantee's progress and management practices and the availability of funds. Since initial peer reviews are based upon the full term and scope of the original application, additional evaluations of this type generally are not required prior to successive years' support. However, in unusual cases (e.g., when the nature of the project or key personnel change or when the amount of future support requested substantially exceeds the grant application originally reviewed and approved), additional reviews may be required prior to approving continued funding.

D. Use of Funds; Changes

1. Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

2. Changes in Project Plans

a. The permissible changes by the grantee, PI/PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the PI/PD(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

b. Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

c. Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

d. Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

e. Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed 5 years.

f. Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

E. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include, but are not limited to:

7 CFR Part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations,

implementing OMB directives (i.e., Circular Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Public Law No. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR Part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

F. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of CSREES transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal. The original copy of a proposal that does not result in a grant will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

G. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., this 16th day of February 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

Appendix A—Most Successful Universities and Colleges for Receiving Federal and/or National Research Initiative Funds [1]

Baylor College of Medicine
Boston University
Brown University
California Institute of Technology
Carnegie-Mellon University
Case Western Reserve University
Colorado State University
Columbia University
Cornell University
CUNY Mount Sinai School of Medicine
Dartmouth College
Duke University
Emory University
Florida State University
Georgetown University
Georgia Institute of Technology
Harvard University
Indiana University
Iowa State University of Science and Technology
Johns Hopkins University
*Kansas State University
Massachusetts Institute of Technology
Medical College of Wisconsin
Michigan State University
New York University
North Carolina State University
Northwestern University
Ohio State University
Oregon Health Sciences University
Oregon State University
Pennsylvania State University
Princeton University
Purdue University
Rockefeller University
Rutgers, The State University of New Jersey
Scripps Research Institute
Stanford University
State University of New York at Stony Brook
State University of New York at Buffalo
Texas A&M University, College Park
Thomas Jefferson University
Tufts University
Tulane University
University of Alabama Birmingham
University of Arizona
University of California Berkeley
University of California Davis
University of California Irvine
University of California Los Angeles
*University of California Riverside
University of California San Francisco
University of California Santa Barbara
University of Chicago
University of Cincinnati
University of Colorado
University of Florida
University of Georgia
University of Illinois Urbana-Champaign
University of Illinois Chicago
University of Iowa
University of Kansas
University of Maryland Baltimore Prof Sch
University of Maryland College Park
University of Massachusetts Amherst
University of Massachusetts Medical School Worcester
University of Medicine and Dentistry of New Jersey
University of Miami
University of Michigan Ann Arbor
University of Minnesota Twin Cities
University of Missouri Columbia
*University of Nebraska—Lincoln
University of New Mexico
University of North Carolina Chapel Hill
University of Pennsylvania
University of Pittsburgh
University of Rochester
University of South Carolina
University of Southern California
University of Texas at Austin
University of Texas Health Science Center Houston
University of Texas Health Sci. Center San Antonio
University of Texas MD Anderson Cancer Center
University of Texas Medical Branch Galveston
University of Texas SW Medical Center Dallas
University of Utah
University of Virginia
University of Washington
University of Wisconsin Madison

[1] Based on data from the table Federal obligations for science and engineering research and development to the 100 universities and colleges receiving the largest amounts, ranked by total amount received: in fiscal year 1997 of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions (National Science Foundation, accessible through the Internet at www.nsf.gov/sbe/srs/nsf99331/).

* Annotated institutions are not in the list for the most successful Federally funded, but were among the top 50th percentile of those funded by the National Research Initiative (Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) over the past three years (1997–1999).

*Utah State University
Vanderbilt University
Virginia Commonwealth University
Wake Forest University
Washington University
*Washington State University
Wayne State University
Woods Hole Oceanographic Institute
Yale University
Yeshiva University, New York

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Federal Register

Friday,
February 23, 2001

Part V

Department of the Interior

Minerals Management Service

30 CFR Parts 218, 256, and 260

Outer Continental Shelf Oil and Gas Leasing; Final Rule

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 178, Part 1; Notice

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 218, 256, and 260

RIN 1010–AC–69

Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This bidding rule establishes the leasing incentive framework we will use to issue Outer Continental Shelf (OCS) leases after November 2000. It also presents a plain-language revision of the existing rules for bidding systems and joint bidding restrictions. It does not change the current policies on and requirements for bidding systems, joint bidding restrictions, or royalty suspensions for leases issued before December 2000. It does add one minor reporting requirement for all leases issued with royalty suspension and specifies the allocation of royalty relief on a field having leases issued before and after 2000. It also clarifies and rewrites in plain-language the current rental regulations at 30 CFR 218.151 to provide for lessees to pay rental fees during the period of royalty suspension.

DATES: This final rule is effective March 26, 2001.

FOR FURTHER INFORMATION CONTACT: Marshall Rose, Economics Division, at (703) 787–1536.

SUPPLEMENTARY INFORMATION: On September 14, 2000, we published a proposed rule in the **Federal Register** (65 FR 55476) stating that we intend to continue OCS leasing incentives in the deep water Gulf of Mexico (GOM) but will implement incentive provisions differently from previous lease sales. Also, we used this occasion to restate in a plain-language format the existing bidding system rules without altering their meaning. This final rule now modifies some provisions in the September 14, 2000, proposed rule.

We proposed four primary changes to the way we have been implementing leasing incentives. In the future, we will establish in the notice of sale, instead of in regulation, the size and form of royalty relief and associated parameters, such as the water depth demarcations where royalty suspension (RS) volumes apply and the price thresholds above which we interrupt RS. Unlike eligible leases issued from 1996 through 2000, future deep water leases, even those issued with RS volumes, may apply for supplemental royalty relief under our discretionary authority in 30 CFR 203. We will assign RS volumes to individual leases rather than, as previously, to fields. Finally, lessees will owe rental but no minimum royalties in any full year in which they pay no royalties on production. Currently, lessees owe rentals until discovery and then minimum royalties until production under royalty suspension begins. The intent to change the current rule and provide for rentals during royalty suspension periods was not perfectly captured in the proposed regulation, but was included in the preamble to the proposed rule. The preamble explained that rentals during royalty suspension periods are analogous to a holding fee collected during capital recovery periods when net profit share leases pay rental but no royalty. In the proposed rule we asked for comments on these leasing incentive adjustments.

In conjunction with this rulemaking, on November 16, 2000, we published another proposed rule in the **Federal Register** (65 FR 58258) describing adjustments to our discretionary relief process. Among other things, this discretionary proposed rule makes leases issued after November 2000 in water 200 meters or deeper in the GOM wholly west of 87 degrees, 30 minutes West longitude eligible to apply for supplemental royalty relief. Also, it proposed to modify the relief qualification process in ways that should allow more applicants on pre-Act leases to qualify for relief and more flexibility for companies on both pre-Act and all new deep water leases to adjust development plans without sacrificing the chance for relief. We also sought and will consider comments we receive on that rule.

Response to Comments

Thirteen respondents—a joint one from 6 oil and gas industry associations, a separate one from one of those associations, 10 oil and gas companies and the Department of Energy—submitted comments on the leasing incentive and bidding rule. Copies of all the comments we received are available on our website at *http://www.mms.gov/federalregister/PublicComments/rulecomm.htm.*

Several comments took issue with some of our bidding system rules. As we are not proposing to change the substance of the existing rules, we take those comments as indicative of confusion created by our plain-language rewrite. We clarify in this final rule those confusing portions of the proposed rewrite.

The requirement to notify us when royalty-free production begins is the only change from the current regulation that we proposed to the way royalty suspensions apply to eligible leases issued from 1996 through 2000. No respondents objected to this notification requirement and we finalized that provision without modification. The only other new element that affects existing eligible leases is that a future RS lease may be on the same field. The new regulations in § 260.124 govern royalty suspension in this situation.

Most comments addressed specific questions raised in the introduction to the proposed rule. The following summarizes those comments and our responses in four sections—design of future royalty suspensions, adjustable lease-based royalty suspension, rental payments and relief suspension during high prices, and bidding issues.

Design Issues

Four questions sought guidance on design issues for future lease sales. Responses to the question on what factors we should consider, and how we should consider them, when choosing water depths at which to offer royalty relief focused on four items:

- Shortage of rigs capable of drilling in water depths greater than 1600 meters;
- Lack of infrastructure in water depths greater than 1600 meters;
- The multitude of challenges (reservoir connectivity, reservoir performance, rig price fluctuations, limited production experience, undeveloped and relatively untested technology, distance from support infrastructure, higher development costs, and shallow water flow) to operations in water depths greater than 1500 meters; and
- The relatively lower quality of remaining prospects in the 200 to 1600 meter water depth area.

No one suggested ways to rank or measure the relative significance of these factors or how to relate them to the issue of whether we should provide any RS volumes. Also, the comments seem to argue that a rationale can be made for royalty relief in all deep water.

Responses to the question on what elements other than water depth to consider, and how we should consider them, in deciding on the size of RS volumes also can be categorized into four groups:

- Unusual drilling challenges such as subsalt targets, extreme well depths, and drilling encountering high pressure/high temperature zones;
- Unusual production challenges such as distance to available

infrastructure, high sulphur and low API gravity crude oils, and areas with a history of poor reservoir performance;

• The value of increased competition from greater bidding interest sparked by royalty relief; and

• Shortage of domestic investment alternatives for the offshore oil and gas industry due to the absence of OCS lands available for leasing outside the GOM.

Again, beyond identification of these elements, the comments offered little in the way of guidance on how to evaluate these considerations relative to others such as the need to obtain fair market value for public resources and the desire to use the incentive efficiently. Nonetheless, like those to the previous question, these comments identify elements we will consider in choosing RS parameters. This rule does not establish those parameters, so those comments will be considered more fully as part of future notice of sale processes that will establish these parameters.

The question on the choice between low RS volumes followed by normal royalty rates or high RS volumes followed by above normal royalty rates found a large preference for the former. The principal reasons given included aversion to variable royalty rates, a wish not to confound the bidding and exploration incentive offered by RS volumes with disincentive changes in other lease terms, and a recognition that supplemental relief can reinforce modest RS volumes where truly needed. One comment did note that smaller, riskier prospects may benefit more from the larger RS volumes than a lower eventual royalty rate.

The final design question about the shift in risk associated with RS volumes elicited no responses that smaller companies feel disadvantaged either in bidding or development relative to larger companies.

One comment suggested that we are defining too narrowly this framework for royalty relief by mentioning only suspension of royalty for a volume of production. The Deep Water Royalty Relief Act (the Act) also authorized suspensions for a time or value of production. To keep open that possibility, we refer to a more general royalty suspension rather than a royalty suspension volume in §§ 260.120, 260.121 and 260.124.

Adjustable Leased-based Royalty Suspension

Responses generally agreed with our observation that lease-based royalty suspension is preferable to field-based royalty suspension. Many comments voiced the need for certainty and stability in lease sale terms and asserted that field-based RS volumes introduce uncertainties into planning that diminish some of the positive impact of royalty relief on prospect economics. Several comments tentatively supported lease-based relief, but worried that intermixing the lease-based program with the field-based program may create uncertainty. We disagree because the proposed provisions confine uncertainty about realization of RS volumes to eligible leases; i.e., those issued under the field-based system. The current regulation makes it clear that a field's RS volume is to be shared by all the leases in a field entitled to share the royalty suspension volume. The new RS leases are simply a new kind of lease entitled to share this volume. The new element is that, unlike with eligible leases or pre-Act leases that qualify for an RS volume, the field's production timing and magnitude do not affect the royalty relief available to the new RS leases. Also, the proposed provisions do not increase the degree of uncertainty faced by eligible or pre-Act leases, had the field-based system continued. New leases issued with lease-based RS volumes share from a volume sufficient to make the field economic, just as would other eligible leases or pre-Act leases that qualify for a royalty suspension.

In the proposed rule, we inadvertently proposed to change the period allowed for a challenge to a field designation from 15 to 30 days in §§ 260.114 and 260.124. We did not mention this as a change in the preamble to the proposed rule because we did not intend to propose this change. No one commented on the change. To avoid the inevitable confusion and administrative problem of different appeal periods for leases issued at different times, we adjust the proposed rule language to retain the 15-day appeal period to all leases.

Additional steps that some respondents requested to reduce the uncertainty for eligible leases are beyond the scope of this rulemaking. The main step identified was designation of which blocks are on which fields before drilling proves the presence of hydrocarbons. Note that we publish the procedure we use to decide on which field a well on a lease lies, so companies can form their own judgment of what we will decide after the well is drilled. It is our position that to do more and actually preview our likely field decision could risk divulging others' proprietary data and possibly misdirect companies if we subsequently acquire new well or other data.

Some responses to our question about basing uniform RS volumes on the needs of a typical tie-back-sized field pointed out that in doing so we should consider additional factors. Those factors include:

• the expectation that the bigger and better situated tie-back fields already have been leased,

• the uncertainty a resource owner faces about access to another's facilities, and

• the chance that user charges will transfer the benefit of the RS from the reserve owner to the facility owner.

Others simply opposed basing RS volumes on tie-backs at all. Those that opposed using tie-backs as a basis argued that many potential tie-back-sized fields may be developed as stand-alones because they have one or more of the following characteristics. The fields:

(1) Consist of multiple reservoirs that require numerous recompletions;

(2) Involve a large numbers of wells because they lack reservoir continuity; or

(3) Depend on the use of secondary recovery techniques (e.g., water injection). Others noted the current absence of infrastructure to host tie-backs in ultra-deep water.

In general, we view situations with these unusual characteristics as exceptions to be handled by the combination of automatic and supplemental relief. An efficient leasing incentive must focus on a standard volume adequate to encourage bidding and exploration on fields not yet leased and the kind of development most likely to occur on those fields. Should experience indicate, we retain the flexibility under this new rule to offer larger RS in the future. In the meantime, offering larger RS volumes based on stand-alone development would grant excessive royalty relief for the way many of the unleased fields are likely to develop.

On the subject of supplemental relief, we received one comment related to the breadth of our royalty relief authority. One respondent noted that the OCS Lands Act gives the Secretary of the Interior discretionary authority to reduce or eliminate royalties on producing or non-producing leases, and that the Act does not specifically prohibit granting discretionary relief outside the GOM west of 87 degrees, 30 minutes West longitude. We disagree because the OCS Lands Act only authorizes royalty relief to increase production, implying that the lease is already on production. Only the Act authorized relief to promote development, implying that a lease has not yet produced, and the Act limits these authorities to the GOM west of 87 degrees, 30 minutes West longitude.

Several responses to our intention to assume two to three leases per field developed as a tie-back argued that we should make no assumption about field size or makeup. Others advocate adjustment in the lease-based relief for fields that prove to underlie fewer leases. Yet many of the same respondents urged certainty and clarity on future royalty relief provisions. Since we typically estimate the economics of unleased and undiscovered resources on a field basis, lease-based relief requires some transformation from field to lease. Our judgment is that we make relief more certain when we estimate a generic field's financial needs and convert this to a lease size before the lease sale. The most logical and administratively simple way to do the conversion is by using typical numbers of leases per field derived from relevant experience. The alternative of waiting to set the RS volume until a field is discovered and its boundaries determined does not eliminate the uncertainty about the RS volume that a lease ultimately receives. In fact, it would reintroduce some of the uncertainty and contention we currently have with the field as the primary basis of royalty relief.

Two features are likely to help correct any errors in an assumption about the specific number of leases per field. First, the assumption of two to three leases per field is based on our experience to date with fields, most of which we recognize are in shallow water and involve a smaller average field size. Our analysis shows that the deep water fields likely to be leased and discovered over the next few years will tend to cover more leases. In that circumstance, lease specific relief set at ½ to ⅓ the volume appropriate for a typical field will result in the actual field getting more royalty relief. Second, if experience proves that two to three leases are not representative for deep water fields, we can then adjust RS volumes for new leases offered in subsequent sales.

Respondents generally applauded our intention to wait at least 3 years before modifying the initial RS volumes and the other parameters. Benefits cited included easier planning and better decisions because a 3-year commitment allows time for seismic acquisition and interpretation. This time period also affords MMS the opportunity to examine how well the program is working over several lease sales. One comment recommended a 5-year commitment coinciding with our 5-year OCS leasing program. While we recognize the value of a multiyear commitment on lease terms, we do not believe it prudent to include it in a regulation. Rapid changes either in the GOM or in the larger oil and gas market may indicate a change in lease terms that can be accomplished more expeditiously in the sale notice.

Rental Policy Change and Relief Suspension During High Prices

Respondents identified three kinds of effects—conflicting message, minimal, and confusion—from our proposal to extend the rental obligation until royalty payments begin. The conflicting message is that rental payments detract from the RS incentive by imposing a payment during the period when we suspend royalties. Others admitted this payment is minimal given the many millions it takes to develop successfully deep water prospects and the value of the royalties saved due to the RS and is consistent with a long tradition of an annual maintenance fee on OCS leases. Confusion could arise because existing lease forms have first a rental then a minimum royalty equivalent to the rental, even before production begins. Future lease forms will impose only a rental during periods when no royalty payments are due and then impose minimum royalties only as a floor for those royalty payments. We do clarify in 30 CFR 218.151 that the due date for rental after a discovery shifts to the end of the lease year.

One comment recommended simply extending minimum royalties to the RS periods, rather than subjecting all future leases to rentals for an extended period. The proposed treatment has a similar effect on future leases sold without an RS, as they would pay no more in fees than they would under the previous rules. While there could be some difference for leases sold with RS, we deem it inadvisable to introduce the administrative burden of making a hypothetical royalty calculation when no royalty is really due. Clarifying the designation of this single holding fee as a rental payment when no royalty is due should help avoid future confusion.

On another rental issue, some respondents expressed concern that we are changing the requirements about collecting rentals from a non-producing part of a partitioned lease. Our requirements on this issue have not changed from what they were before this plain-language rewrite. We do not collect rentals from the non-producing part of a lease. However, when a newly formed lease occurs as a result of segregation, we do collect rental from a non-producing part of a block.

Some respondents opposed having price thresholds set in sale notices and perhaps periodically adjusted, even though any adjustments would apply only to newly issued leases, not those already issued. Price thresholds are oil and gas prices above which lessees owe royalties despite RS. Most comments objected to the reduced predictability amidst all the other uncertainty in deep water development. It is important to reiterate that once set for a given lease, the price threshold will not change. Only future leases would be subject to any new price threshold. One comment opposed adjusting price thresholds in general since oil and gas price increases drive up costs due to increased utilization of rigs, labor, and equipment. We continue to believe it is better to be able to adjust thresholds if necessary for newly issued leases. Otherwise, we could be locked into an inappropriate price threshold. Perceptions about future prices both drive investment decisions and evolve over time, so the option to change price thresholds for new leases benefits the initial threshold choice because it allows for future adjustments.

A related issue drew either no comments or expressions of confusion. Current policy, following the language of the Act, makes royalties due from the whole previous year if that year's average price exceeds the threshold. That fact cannot be known for certain until several months after the end of a year, so lessees could end up at that time owing back royalties for the past year. One alternative is to apply the thresholds on a real time, rather than retrospective basis. The absence of comments on this issue may simply reflect an acceptance of the existing administrative procedures stated in the Act.

Responses to our question about the appropriate magnitude of price thresholds raised a variety of issues. Some wanted no price thresholds, since those willing to take the risks of deep water exploration and production should not be additionally burdened with the risk of losing the RS incentive. Others essentially took the same position by stating that any price thresholds should be so high that they are not breached by historic price fluctuations, since industry bears the brunt of price cycles. We disagree with this position because we design RS terms assuming some price expectations by the lessee, and those terms lose legitimacy when prices diverge too much from those expectations.

Several respondents agreed that the price thresholds with annual inflation adjustments are reasonable but see no reason to change from the levels set in the Act. Absent compelling analysis supporting the Act's choice of price

thresholds, we estimated appropriate ones, given today's economic conditions. Briefly, that estimate involved collecting the price expectations that presumably drive current investment decisions, some based on little or no royalty obligations, and then finding the increases from those prices that match the economic effect of forgiving royalties with reference to the minimum economic field size. Price thresholds of about 10 percent below the ones set in the Act result from this exercise.

Several respondents also commented that regardless of the size of the price thresholds, our policy should be that production does not count against any remaining RS volume when it occurs during a period when prices exceed the threshold. But, this is contrary to the reason for having the thresholds in the first place. That is, at sufficiently high prices, the benefits on revenue preclude the need for relief on this production. If this production does not count against the RS volume, the production at high prices and profits that fully replace the royalty relief gets, in effect, a double incentive.

We have clarified the price threshold language to make it more consistent with the application of the price threshold trigger and collection logistics mandated previously by Congress in the Act. The proposed rule intended maximum flexibility in the timing of the threshold and the collection of royalty by leaving the details for inclusion in future notices of sale. The final rule mimics the previous threshold rule except it does not adopt the calendar year as the time period for always calculating the price threshold. Rather, it allows some flexibility for a different time period. We retain the NYMEX as the pricing benchmark and the royalty collection process after the fixed price threshold time period.

Bidding Rules

We did not ask for comments on our bidding policy rules because we are not proposing to change them. Nevertheless, we received comments on 2 issues—prohibition of agreements after a lease sale and use of multiple bidding systems and variables—that deserve response.

The intent of § 260.303(d) is not to prevent restricted bidders from entering into agreements after we award a lease. Rather, subsection (d) prohibits pre-sale agreements between restricted bidders whereby one restricted bidder would commit to assigning part of a lease to another restricted bidder after the sale is completed. Specifically, subsection (d) prohibits restricted bidders A and B from entering into an agreement *prior* to a lease sale. The reason for this prohibition is to eliminate pre-sale agreements that might cause A to bid on a tract, and implicitly keep B from bidding, or cause B to submit a low bid because, if successful, A may assign a part of the lease to B. The current regulations at § 260.303(c) already prohibit pre-bid agreements between restricted joint bidders. However, to clarify the intent of the new subsection (d), the phrase ''prior to a lease sale'' is inserted after the word ''agreement.''

The first sentence in § 260.110 makes it clear that we will apply a single bidding system and variable to each tract in a lease sale. However, we do intend to use multiple systems in a single sale, for instance offering some tracts with a royalty suspension and others with no royalty suspension, as we have for the last 5 years.

Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

According to the criteria in Executive Order 12866, this rule is a significant regulatory action. The Office of Management and Budget (OMB) makes the final determination under Executive Order 12866.

a. This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, jobs, the environment, or other units of government. This action is a plain-language rewrite of current rules and clarification of policies that may be employed for issuing leases with royalty suspensions in lease sales held after November 2000. There is no assurance that the leasing system option provided in this rule will be used in all future offshore sales. For instance, sustained high prices or a shortage of unleased tracts may cause us to discontinue leasing incentives. Even when used, the leasing system option in this rule will not change substantially the net economic value of production from leases eligible for royalty suspension volumes. Royalty suspension should lead to higher bonuses because future production will be more profitable. Also, more tracts should receive bids because royalty relief makes smaller, more remote fields potentially profitable. But, because the government collects the fair market value of a tract in the up-front bid, the risk that the tract will not prove productive is shifted entirely to the bidder. We do not expect bonus bids to offset fully the anticipated royalty savings on a specific tract. Since these offsetting effects on revenue will play out over an extended period and involve uncertainties that will be assessed differently by the different bidders, we cannot predict the ultimate effect on government receipts. Most of the more prospective tracts have been leased already and the incentives we envision for the next several years are smaller than those mandated by the Act. Thus, we don't expect to see the level of bidding activity experienced in the last 5 years, nor the same level of future royalty reduction. At this point we can say that deep water royalty relief will serve primarily to accelerate the timing of production and redistribute realization of fair market value from royalty to bonus collection. As royalty suspension volumes are an incentive to production, they likely encourage timely exploration in hope of finding reserves, since royalty relief has no value unless and until production occurs. This acceleration will have a beneficial effect on offshore oil industry production and jobs in the near term.

b. This rule will not create inconsistencies with other agencies' actions because there are no changes in requirements from the existing rule.

c. This rule is an administrative change that will not affect entitlements, grants, user fees, loan programs, or their recipients. This rule has no effect on these programs or rights of the programs' recipients.

d. This rule will raise novel legal or policy issues. Although this action is basically the rewrite of an existing rule in plain language and sets up a more flexible framework to continue current royalty suspension policies for future sales, it comes at a time when oil and gas prices are unusually high. Some may question the need to continue leasing incentives. We believe royalty suspension remains necessary in a scaled-down and more flexible format because prices can fall as well as rise. Also, a continued program reduces disruptions associated with an abrupt termination of incentives and resultant pressure to continue the rigid, outdated, and expiring terms of the Act.

Regulatory Flexibility (RF) Act

The Department certifies that this rule would not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). The provisions of this rule will not have a significant economic effect on offshore lessees and operators, including those that are classified as small businesses. The rule will authorize royalty relief to certain OCS leases awarded in sales held after November 2000. New regulatory provisions will offer firms, large and small, economic incentives to acquire

and develop deep water leases in the GOM.

Companies that extract oil, gas, or natural gas liquids or are otherwise in oil and gas exploration and development activities acquire the vast majority of leases offered at OCS lease sales and will be most affected by this rule. The Small Business Administration (SBA) defines a small business as having:

• Annual revenues of $5 million or less for exploration service and field service companies.

• Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

Under the North American Industry Classification System Code, 211111, Crude Petroleum and Natural Gas Extraction, MMS estimates that a total of 1,380 firms drill oil and gas wells onshore and offshore. The group most affected by this rule is the approximately 130 companies that are offshore lessees/operators. According to SBA criteria, 39 companies qualify as large firms, leaving up to 91 companies that may qualify as small firms with fewer than 500 employees. However, because of the extremely high cost and technical complexity involved in exploration and development in deep water, the vast majority of lessees/operators that will be affected by this rule will be large companies. Nineteen of the 26 lessee/operators that have registered a total of 211 discoveries by mid-year 2000 in deep water (200 meters and greater) are not small and these 19 large firms account for over 91 percent of the total discoveries. The rule envisions limiting incentives to deep water where the presence of large firms is even more prevalent. Virtually all of the prospective tracts in the part of deep water where small firms traditionally operate are already under lease.

This rule would add costs in two areas where there are no costs under the existing rules and the deep water royalty relief terms associated with eligible leases. First, lease terms for eligible leases suspended all payments, including rents and minimum royalties, after start of production on the lease and until the mandated royalty suspension volumes were fully produced. This rule would require that lessees of leases issued in sales after the effective date of this rule must continue to make annual rental payments after a discovery. Rental payments will be due during any year after discovery when no royalty payments are due. Rentals would replace minimum royalties between discovery and start of production for those leases. Experience to date (mid-2000) shows that only four leases are actually producing under the royalty suspension terms set by the Act. Both of the two operators involved happen to be small businesses. If that experience continues for leases issued after this rule, we might expect that perhaps one such lease may produce by 2004, and two more might produce by 2005. Thus, these new leases, irrespective of the size of the lessee, may pay extra rentals ($43,200/lease/year) of $172,800, or an average over the next 5 years of just below $35,000/year. This estimate presumes that these leases will pay rentals instead of ''minimum royalties'' between discovery and start of production.

Second, the rule would add the requirement that owners of eligible leases notify MMS prior to initiating production on the leases. We estimate it will take an operator one-half hour to draft, finalize, and send such a notification letter. We envision that this letter will be very brief and give only pertinent data such as lease number, area/block, date production is scheduled to commence, and language requesting confirmation of the amount of royalty relief applicable. We currently have six eligible leases with approved Development Operations Coordination Documents (DOCD) and 264 eligible leases with approved Plans of Exploration (POE). For this analysis, we assume that:

(1) All six leases with approved DOCDs will commence production within the first 5 years;

(2) Thirty percent (79) of the 264 leases with approved POEs will drill a discovery well; and

(3) Twenty-five percent (20) of those leases with a discovery well will obtain a DOCD and commence production. Based on these assumptions, we estimate that a total of 26 eligible leases will commence production within the next 5 years.

At an estimated paperwork cost of $50 per hour or $25 per notification, the total estimated cost of the notification requirement for the first 5 years in which the rule is in effect is $650 or $130 per year.

Thus, total estimated incremental costs associated with this rule are slightly below $35,000 per year on average through 2005. The annual cost will be spread among lessees whose eligible leases commence production and eventually among leases issued after this rule becomes effective and that produce with a royalty suspension. Based on the ratios found above, small business may incur one-tenth to one-third of this incremental cost. The annual cost for a small business with a lease producing under royalty suspension but paying rental would be approximately $44,000 per year. Even if a small business has several eligible leases commencing production, it is clear that the magnitude of the costs do not impose a significant economic effect on a substantial number of small business entities engaged in multi-million dollar drilling and development activities.

Further, any costs associated with the rule must be viewed in light of the substantial economic benefits to be gained from the suspension of royalty payments on the established volume of production. While estimated averaged annual costs are just under $35,000 per year through 2005, lessees that produce stand to gain tens of millions of dollars in royalty relief from the rule. For example, the standard royalty portion (1/8) of a 9 MMBOE royalty suspension volume is worth $25 to $30 million at current oil and gas prices. Again, small business may claim one-tenth to one-third of this benefit. The potential benefit of royalty relief to a small business can be as high as $10 million/year, several orders of magnitude above the extra cost/year under this rule for a small business operating in deep water.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under the SBREFA, 5 U.S.C. 804(2). This rule:

a. Does not have an annual effect on the economy of $100 million or more. This rule rewrites the existing rule and clarifies royalty suspension policies for future sales. This rule does not specify exact royalty suspension parameters, but describes the structure that we will follow in applying sale-specific royalty suspensions to future leases. While royalty suspension volumes for future lease sales are not likely to be as high as the current levels specified in the Act, they will still provide meaningful benefits to large and small business lessees.

In general, royalty suspension redistributes revenues—royalty payments decline during the royalty suspension period, while bonus

payments before exploration and tax payments due on extra income to the lessee during the royalty suspension period increase. To benefit from the royalty suspension, the lease must produce. Because only a fraction of tracts leased ultimately produce oil and gas, a relatively small number of tracts actually receive a royalty suspension. To determine the annual effect of the royalty relief system on the economy, both the effects on bonus bids and future royalties need to be considered. Experience from sales (during the 1983 to 1988 period) where leases have had time to run the course of the original lease term show that, on average, only about 15 percent of leases issued go into production. Also, estimates for sales between 1996 and 2000 suggest that bidders bid about a $500,000 premium per royalty suspension lease. Using a ratio of seven leases issued for every one (15 percent) that produces, the Government can expect to collect perhaps $3.5 million in extra bonus revenues for each lease that uses a royalty suspension. That extra bonus will be offset by collection of about $22.5 million less in royalties (e.g., ⅛ of 9 MMBOE times $20/BOE over the production period (e.g., 2010 to 2020). If extra taxes reclaim about ⅓ of the royalty cost savings, those are comparable sums on a present value basis (e.g., 7 × $0.5 approximately = $20 (1⅓ × 0.26 where 0.26 is a discount factor for payments received 10 to 20 years in the future). Thus, even when scaled up to cover sales of hundreds of leases in any one year, this rule will not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Oil prices are not based on the production from any one region, but are based on worldwide production and demand at any point in time. While gas prices are more localized, they historically correlate to oil prices. The rule does not change any existing leasing policies, so it should not cause prices to increase.

c. Does not have significant adverse effects on competition, employment, investment, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. Leasing on the United States OCS is limited to entities as specified in 30 CFR 256.35. This rule does not change that requirement, so it does not change the ability of United States firms to compete in any way.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments. The rule describes the existing regulation in plain language and clarifies royalty suspension policies for OCS lease sales held after November 2000. A statement containing additional UMRA (2 U.S.C. 1531 *et seq.*) information is not required.

Takings Implications Assessment (Executive Order 12630)

According to Executive Order 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required because the rule would not take away or restrict a bidder's right to acquire OCS leases.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State Governments. This rule affects the collection of royalty revenues and rentals from lessees in the deep water GOM, all of which are outside State jurisdiction. States have no role in this activity with or without this rule. This rule does not impose costs on States or localities. States and local governments play no part in the administration of the deep water royalty relief or rental programs.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act (PRA) of 1995

According to the PRA (44 U.S.C. 3501 *et seq.*), as part of the Notice of Proposed Rulemaking process, OMB approved the collection of information in the proposed regulations and assigned OMB control number 1010–0143. We did not receive any comments opposing the information collection aspects of the proposed rule, and the final rule makes no change in the information collection requirements. The PRA provides that an agency 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 title of the collection of information for this rule is ''30 CFR Part 260—Outer Continental Shelf Oil and Gas Leasing.'' The requirement to respond is required to obtain or retain a benefit. The information collection requirements and estimated burdens are:

(1) In § 260.114(c), respondents must notify MMS of their intention to begin production, and they must request confirmation of the size of the royalty suspension volume that applies to their eligible lease. We estimate the burden to be one-half hour per notification, and that we would receive five-to-six notices annually.

(2) In §§ 260.114 and 260.124, there is a provision for a lessee or other affected lessees to request reconsideration of MMS's assignment of a lease that has a qualifying well to an existing field or designate a new field. We estimate the burden can range between 80 and 1,000 hours per request for reconsideration. That wide range reflects the fact that fields can underlie from 1 to more than 10 leases, can include from 1 to several dozen reservoirs, or can require simple to complex geological and geophysical interpretations. Because a favorable field assignment can save a lessee tens of millions of dollars in royalties, we may get as many simple as complex appeals. For purposes of estimating burden, we assume that we receive three or four annually, uniformly spread over the simple to complex range with an average burden of 400 hours.

We estimate the total annual reporting ''hour'' burden for the 30 CFR part 260 regulations to be about 1,600 hours. This includes the time for reviewing instructions, searching existing data sources, and gathering the data. There are no recordkeeping requirements.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Government-to-Government Relationship with Tribes

According to the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have determined that there are no effects from this action on federally recognized Indian tribes.

List of Subjects

30 CFR Part 218

Continental shelf, Methods of payment, Mineral royalties, Public lands—Mineral resources, Royalty payments. Net profit share payment, Rental payments.

30 CFR Part 256

Administrative practice and procedure, Continental shelf, Environmental protection, Government contracts, Mineral royalties, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

30 CFR Part 260

Bidding system, Continental shelf, mineral royalties, Oil and gas leasing, Reporting requirements, Restricted joint bidder, Royalty suspension.

Dated: February 16, 2001.

Piet deWitt,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR parts 218, 256, and 260 as follows:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation for part 218 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C.A. 3335; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

2. In § 218.151, the section heading is revised, an introductory paragraph is added, paragraphs (a) and (b) are revised; paragraphs (c) and (d) are removed; and paragraph (e) is redesignated as paragraph (c) to read as follows:

§ 218.151 Rental Fees.

The annual rental paid in any year is in addition to, and is not credited against, any royalties due from production. The lessee must pay an annual rental as shown in paragraphs (a), (b), and (c) of this section. Discovery means one or more wells on the lease that meet the requirements in 250, subpart A of this title.

(a) This paragraph applies to any lease not covered by paragraph (b) or paragraph (c) of this section.

For—	Issued as a result of a sale held—	The lessee must pay rental—
(1) An oil and gas lease	Before March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease.
(2) An oil and gas lease	After March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.
(3) A mineral lease for other than oil or gas.	Before March 26, 2001	On or before the first day of each lease year before the discovery of paying quantities.
(4) A mineral lease for other than oil or gas.	After March 26, 2001	On or before the first day of each lease year before the date the first royalty payment is due on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.

(b) This paragraph applies to any lease created by segregating a portion of a producing lease when there is no actual or allocated production on the segregated portion. The lessee must pay an annual rental for the segregated portion at the rate specified in the lease. The lessee must pay the rental as shown in the following table.

If the lease results from a segregation—	The lessee must pay rental—
(1) Before March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the segregated portion.
(2) After March 26, 2001	On or before the first day of each lease year before the discovery of oil or gas on the lease, then on or before the last day of each lease year in any full year in which royalties on production are not due.

(c) * * *

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

3. The authority citation for part 256 continues to read as follows:

Authority: 42 U.S.C. 6213 and 43 U.S.C. 1331, *et seq.*

4. In § 256.40, the introductory paragraph is revised to read as follows:

§ 256.40 Definitions

The following definitions apply to §§ 256.38 through 256.44 of this part.

* * * * *

5. Part 260 is revised to read as follows:

PART 260—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Subpart A—General Provisions

Sec.

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Authority: 43 U.S.C. 1331 *et seq.*

Subpart A—General Provisions

§ 260.1 What is the purpose of this part?

Part 260 implements the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*, as amended, by providing regulations to foster competition including, but not limited to:

(a) Implementing alternative bidding systems;

(b) Prohibiting joint bidding for development rights by certain types of joint ventures; and

(c) Establishing diligence requirements for Federal OCS leases.

§ 260.2 What definitions apply to this part?

OCS lease means a Federal lease for oil and gas issued under the OCSLA.

OCSLA means the Outer Continental Shelf Lands Act, (43 U.S.C. 1331 *et seq.*), as amended.

Person includes, in addition to a natural person, an association, a State, or a private, public, or municipal corporation.

We means the Minerals Management Service (MMS).

You means the lessee or operating rights holder.

§ 260.3 What is MMS's authority to collect information?

The Paperwork Reduction Act of 1995 (PRA) requires us to inform you that we may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB approved the information collection requirements in part 260 under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010–0143. The PRA also requires us to inform you of the following:

(a) We use the information collected under §§ 260.114(a)(2), (c)(1) and 260.124 (a)(2):

(1) To make decisions on requests for reconsideration of our assignment of a lease that has a qualifying well to an existing field or designate a new field under §§ 260.114(a) and 260.124(a), and

(2) To ensure that the royalty suspension volume is properly allocated among constituent leases in a field under § 260.117.

(b) Respondents are Federal OCS oil and gas lessees and operating rights holders. Responses are required to obtain or retain a benefit. We will protect proprietary information under applicable law and part 250 of this chapter.

(c) You may send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 4230, 1849 C Street, NW., Washington, DC 20240.

Subpart B—Bidding Systems

General Provisions

§ 260.101 What is the purpose of this subpart?

This subpart establishes the bidding systems that we may use to offer and sell Federal leases for the exploration, development, and production of oil and gas resources located on the OCS.

§ 260.102 What definitions apply to this subpart?

Act means the Outer Continental Shelf Deep Water Royalty Relief Act, Pub. L. 104–58, 43 U.S.C. 1337(3).

Eligible lease means a lease that:

(1) Is issued as part of an OCS lease sale held after November 28, 1995, and before November 28, 2000;

(2) Is located in the Gulf of Mexico in water depths of 200 meters or deeper;

(3) Lies wholly west of 87 degrees, 30 minutes West longitude; and

(4) Is offered subject to a royalty suspension volume.

Field means an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geological structural feature and/or stratigraphic trapping condition. Two or more reservoirs may be in a field, separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

Highest responsible qualified bidder means a person who has met the appropriate requirements of 256, subpart G of this title, and has submitted a bid higher than any other bids by qualified bidders on the same tract.

Highest royalty rate means the highest percent rate payable to the United States, as specified in the lease, in the amount or value of the production saved, removed, or sold.

Lease period means the time from lease issuance until relinquishment, expiration, or termination.

Lowest royalty rate means the lowest percent rate payable to the United States, as specified in the lease, in the amount or value of the production saved, removed, or sold.

OCS lease sale means the Department of the Interior (DOI) proceeding by which leases for certain OCS tracts are offered for sale by competitive bidding and during which bids are received, announced, and recorded.

Pre-Act lease means a lease that:

(1) Is issued as part of an OCS lease sale held before November 28, 1995;

(2) Is located in the Gulf of Mexico in water depths of 200 meters or deeper; and

(3) Lies wholly west of 87 degrees, 30 minutes West longitude. (See part 203 of this title.)

Production period means the period during which the amount of oil and gas produced from a tract (or, if the tract is unitized, the amount of oil and gas as allocated under a unitization formula) will be measured for purposes of determining the amount of royalty payable to the United States

Qualified bidder means a person who has met the appropriate requirements of § 256, subpart G of this title.

Royalty rate means the percentage of the amount or value of the production saved, removed, or sold that is due and payable to the United States Government.

Royalty suspension (RS) lease means a lease that:

(1) Is issued as part of an OCS lease sale held after November 28, 2000;

(2) Is in locations or planning areas specified in a particular Notice of OCS Lease Sale; and

(3) Is offered subject to a royalty suspension specified in a Notice of OCS Lease Sale published in the **Federal Register**.

Tract means a designation assigned solely for administrative purposes to a block or combination of blocks that are identified by a leasing map or an official protraction diagram prepared by the DOI.

Value of production means the value of all oil and gas production saved, removed, or sold from a tract (or, if the tract is unitized, the value of all oil and

gas production saved, removed, or sold and credited to the tract under a unitization formula) during a period of production. The value of production is determined under part 206 of this title.

§ 260.110 What bidding systems may MMS use?

We will apply a single bidding system selected from those listed in this section to each tract included in an OCS lease sale. The following table lists bidding systems, the bid variables, and characteristics.

For the bidding system—	The bid variable is the—	And the characteristics are—
(a) Cash bonus bid with a fixed royalty rate of not less than 12.5 percent.	Cash bonus	The highest responsible qualified bidder will pay a royalty rate of not less than 12.5 percent at the beginning of the lease period. We will specify the royalty rate for each tract offered in the Notice of OCS Lease Sale published in the **Federal Register**.
(b) Royalty rate bid with fixed cash bonus.	Royalty rate	We will specify the fixed amount of cash bonus the highest responsible qualified bidder must pay in the Notice of OCS Lease Sale published in the **Federal Register**.
(c) Cash bonus bid with a sliding royalty rate of not less than 12.5 percent at the beginning of the lease period.	Cash bonus	(1) We will calculate the royalty rate the highest responsible qualified bidder must pay using either: (i) A sliding-scale formula, which relates the royalty rate to the adjusted value or volume of production, or (ii) A schedule that establishes the royalty rate that we will apply to specified ranges of the adjusted value or volume of production. (2) We will determine the adjusted value of production by applying an inflation factor to the actual value of production. (3) If you are the successful high bidder, your lease will include the sliding-scale formula or schedule and will specify the lowest and highest royalty rates that will apply. (4) You will pay a royalty rate of not less than 12.5 percent at the beginning of the lease period. (5) We will include the sliding-scale royalty formula or schedule, inflation factor and procedures for making the inflation adjustment and determining the value or amount of production in the Notice of OCS Lease Sale published in the **Federal Register**.
(d) Cash bonus bid with fixed share of the net profits of no less than 30 percent.	Cash bonus	(1) If we award you a lease as the highest responsible qualified bidder, you will determine the amount of the net profit share payment to the United States for each month by multiplying the net profit share base times the net profit share rate, according to § 220.022. You will calculate the net profit share base according to § 220.021. (2) You will pay a net profit share of not less than 30 percent. (3) We will specify the capital recovery factor, as described in § 220.020, and the net profit share rate, both of which may vary from tract to tract, in the Notice of OCS Lease Sale published in the **Federal Register**.
(e) Cash bonus with variable royalty rate(s) during one or more periods of production.	Cash bonus	(1) We may suspend or defer royalty for a period, volume, or value of production. Notwithstanding suspensions or deferrals, we may impose a minimum royalty. The suspensions or deferrals may vary based on prices or price changes of oil and/or gas. (2) You may pay a royalty rate less than 12.5 percent on production but not less than zero percent. (3) We will specify the applicable royalty rates(s) and suspension or deferral magnitudes, formulas, or relationships in the Notice of OCS Lease Sale published in the **Federal Register**.
(f) Cash bonus with royalty rate(s) based on formula(s) or schedule(s) during one or more periods of production.	Cash bonus	We will base the royalty rate on formula(s) or schedule(s) specified in the Notice of OCS Lease Sale published in the **Federal Register**.
(g) Cash bonus with a fixed royalty rate of not less than 12.5 percent, at the beginning of the lease period, suspension of royalties for a period, volume, or value of production, or depending upon selected characteristics of extraction, and with suspensions that may vary based on the price of production.	Cash bonus	Except for periods of royalty suspension, you will pay a fixed royalty rate of not less than 12.5 percent. If we award to you a lease under this system, you must calculate the royalty due during the designated period using the rate, formula, or schedule specified in the lease. We will specify the royalty rate, formula, or schedule in the Notice of OCS Lease Sale published in the **Federal Register**.

§ 260.111 What conditions apply to the bidding systems that MMS uses?

(a) For each of the bidding systems in § 260.110, we will include an annual rental fee. Other fees and provisions may apply as well. The Notice of OCS Lease Sale published in the **Federal Register** will specify the annual rental and any other fees the highest responsible qualified bidder must pay and any other provisions.

(b) If we use any deferment or schedule of payments for the cash bonus bid, we will specify and include it in the Notice of OCS Lease Sale published in the **Federal Register**.

(c) For the bidding systems listed in this subpart, if the bid variable is a cash bonus bid, the highest bid by a qualified bidder determines the amount of cash bonus to be paid. We will include the minimum bid level(s) in the Notice of OCS Lease Sale published in the **Federal Register**.

(d) For the bidding systems listed in this subpart, if the bid variable is the royalty rate, the highest bid by a qualified bidder determines the royalty rate to be paid. We will include the minimum royalty rate(s) in the Notice of OCS Lease Sale published in the **Federal Register**.

(e) We may, by rule, add to or modify the bidding systems listed in § 260.110, according to the procedural requirements of the OCSLA, 43 U.S.C. 1331 *et seq.*, as amended by Public Law 95–372, 92 Stat. 629.

Eligible Leases

§ 260.112 How do royalty suspension volumes apply to eligible leases?

Royalty suspension volumes, as specified in section 304 of the Act, apply to eligible leases that meet the criteria in § 260.113. For purposes of this section and §§ 260.113 through 260.117:

(a) Any volumes of production that are not normally royalty-bearing under the lease or the regulations (e.g., fuel gas) do not count against royalty suspension volumes; and

(b) Production includes volumes allocated to a lease under an approved unit agreement.

§ 260.113 When does an eligible lease qualify for a royalty suspension volume?

(a) Your eligible lease may receive a royalty suspension volume only if it is in a field where no current lease produced oil or gas (other than test production) before November 28, 1995. For eligible leases, the bidding system in § 260.110(g) applies only to leases in fields that meet this condition.

(b) You may receive a royalty suspension volume only if your entire lease is west of 87 degrees, 30 minutes West longitude. A field that lies on both sides of that meridian will receive a royalty suspension volume only for those eligible leases lying entirely west of the meridian.

§ 260.114 How does MMS assign and monitor royalty suspension volumes for eligible leases?

(a) We will assign your lease that has a qualifying well (under part 250, subpart A of this title) to an existing field or designate a new field and will notify you and other affected lessees and operating rights holders in the field of that assignment.

(1) Within 15 days of that notification, you or any of the other affected lessees or operating rights holders may file a written request with the Director of MMS (Director) for reconsideration accompanied by a ''Statement of Reasons.''

(2) The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is the final action of the Department of the Interior and is not subject to appeal to the Interior Board of Land Appeals under part 290 of this title and 43 CFR part 4.

(b) We have specified the water depth for each eligible lease in the final Notice of OCS Lease Sale. Our determination of water depth for each lease is final once we issue the lease. We have specified in the Notice the royalty suspension volume applicable to each water depth. The minimum royalty suspension volumes for fields in million barrels of oil equivalent (MMBOE) are shown in the following table:

Water depth	Minimum royalty suspension volume
(1) 200 to 400 meters	17.5 MMBOE
(2) 400 to 800 meters	52.5 MMBOE
(3) 800 meters or more	87.5 MMBOE

(c) Before commencing production, you must:

(1) Notify the MMS Regional Supervisor for Production and Development of your intention to start production; and

(2) Request confirmation of the size of the royalty suspension volume that applies to your eligible lease.

(d) When production (other than test production) first occurs from any of the eligible leases in a field consisting only of eligible leases, we will determine what royalty suspension volume applies to the lease(s) in that field. We base the determination for eligible lease(s) on the royalty suspension volumes specified in paragraph (b) of this section and § 260.117(a).

(e) Your eligible lease may obtain more than one royalty suspension volume. If a new field is discovered on your eligible lease that already benefits from the royalty suspension volume from another field, production from that new field receives a separate royalty suspension.

§ 260.115 How long will a royalty suspension volume for an eligible lease be effective?

A royalty suspension volume for an eligible lease will continue through the end of the month in which cumulative production from the leases in a field entitled to share the royalty suspension volume reaches that volume or the lease period ends.

§ 260.116 How do I measure natural gas production on my eligible lease?

You must measure natural gas production on your eligible lease subject to the royalty suspension volume as follows: 5.62 thousand cubic feet of natural gas, measured according to part 250, subpart L of this title, equals one barrel of oil equivalent.

§ 260.117 What other provisions apply to royalty suspension volumes for eligible leases?

In addition to the provisions in §§ 260.111 through 260.116, the provisions in this section apply to royalty suspension volumes on eligible leases.

(a) If a new field consists of eligible leases in different water-depth categories, the royalty suspension volume associated with the eligible lease in the deepest water applies.

(b) If your eligible lease is the only eligible lease in a field, you do not owe royalty on the production from your lease up to the applicable royalty suspension volume.

(c) If a field consists of more than one eligible lease:

(1) Payment of royalties on the eligible leases' initial production is suspended until cumulative production equals the field's established royalty suspension volume;

(2) Only production from leases entitled to share in the field's royalty suspension volume counts as part of this cumulative production; and

(3) The royalty suspension volume for each eligible lease is equal to each lease's actual production (or production allocated under an approved unit agreement) until the field's royalty suspension volume is reached.

(d) This paragraph applies if we add an eligible lease to a field that has an established royalty suspension volume

that we approved under part 203 of this title. This paragraph also applies to a field that has an established royalty suspension volume as a result of production starting from one or more eligible leases in the field. In situations covered by this paragraph:

(1) The field's royalty suspension volume will not change, even if the added lease is in deeper water;

(2) If we granted a royalty suspension volume under part 203 of this title that is larger than the minimum specified for that water depth, the added eligible lease may share in the larger suspension volume;

(3) The eligible lease may receive a royalty suspension volume only to the extent of its production before the cumulative production equals the field's previously established royalty suspension volume; and

(4) Only production from leases entitled to share in the field's previously established royalty suspension volume counts as part of this cumulative production.

(e) A pre-Act lease may receive a royalty suspension volume under part 203 of this title for a field that already has a royalty suspension volume due to eligible leases. If this happens, then:

(1) The eligible and pre-Act leases share a single royalty suspension volume;

(2) The field's royalty suspension volume is the larger of the volume for the eligible leases or the volume MMS grants in response to the pre-Act leases' application; and

(3) The suspension volume for each eligible lease is its actual production from the lease until cumulative production from all leases in the field entitled to share in the field-based suspension volume equals the suspension volume.

(f) If we reassign a well on an eligible lease to another field, the past production from that well:

(1) Will count toward the royalty suspension volume, if any, specified for the field to which it is reassigned; and

(2) Will not count toward the royalty suspension volume, if any, for the field from which it was reassigned.

Royalty Suspension (RS) Leases

§ 260.120 How does royalty suspension apply to leases issued in a sale held after November 2000?

We may issue leases with suspension of royalties for a period, volume or value of production, as authorized in section 303 of the Act. For purposes of this section and §§ 260.121 through 260.124:

(a) Any volumes of production that are not normally royalty-bearing under the lease or the regulations (e.g., fuel gas) do not count against royalty suspension volumes; and

(b) Production includes volumes allocated to a lease under an approved unit agreement.

§ 260.121 When does a lease issued in a sale held after November 2000 get a royalty suspension?

(a) We will specify any royalty suspension for your RS lease in the Notice of OCS Lease Sale published in the **Federal Register** for the sale in which you acquire the RS lease and will repeat it in the lease document. In addition:

(1) Your RS lease may produce royalty-free the royalty suspension we specify for your lease, even if the field to which we assign it is producing.

(2) The royalty suspension we specify in the Notice of OCS Lease Sale for your lease does not apply to any other leases in the field to which we assign your RS lease.

(b) You may apply for a supplemental royalty suspension for a project under part 203 of this title, if your lease lies:

(1) In the Gulf of Mexico,

(2) In water 200 meters or deeper, and

(3) Wholly west of 87 degrees, 30 minutes West longitude.

(c) Your RS lease retains the royalty suspension with which we issued it even if we deny your application for more relief.

§ 260.122 How long will a royalty suspension volume be effective for a lease issued in a sale held after November 2000?

(a) The royalty suspension volume for your RS lease will continue through the end of the month in which cumulative production from your lease reaches the applicable royalty suspension volume or the lease period ends.

(b)(1) Notwithstanding any royalty suspension under this subpart, you must pay royalty at the lease stipulated rate on:

(i) Any oil produced for any period stipulated in the lease during which the arithmetic average of the daily closing prices on the New York Mercantile Exchange (NYMEX) for light sweet crude oil exceeds a threshold price stipulated in the lease, or

(ii) Any natural gas produced for any period stipulated in the lease during which the arithmetic average of the daily closing prices on the NYMEX for natural gas exceeds a threshold price stipulated in the lease.

(2) You must pay any royalty due under this paragraph, plus late payment interest under § 218.54 of this title, no later than 90 days after the end of the period for which royalty is owed.

(3) Any production on which you must pay royalty under this paragraph will count toward the production volume determined under §§ 260.120 through 260.124.

(c) If you must pay royalty on any product (either oil or natural gas) for any period under paragraph (b), you must continue to pay royalty on that product during the next succeeding period of the same length until the arithmetic average of the daily closing NYMEX prices for that product for that period can be determined. If the arithmetic average of the daily closing prices for that product for that period is less than the threshold price stipulated in the lease, you are entitled to a credit or refund of royalties paid for that period with interest under applicable law.

(d) MMS will adjust the threshold oil and gas prices referred to in paragraph (b) for any period stipulated in the lease by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding period.

§ 260.123 How do I measure natural gas production for a lease issued in a sale held after November 2000?

You must measure natural gas production subject to the royalty suspension volume for your lease as follows: 5.62 thousand cubic feet of natural gas, measured according to part 250, subpart L of this title, equals one barrel of oil equivalent.

§ 260.124 How will royalty suspension apply if MMS assigns a lease issued in a sale held after November 2000 to a field that has an eligible or pre-Act lease?

(a) We will assign your lease that has a qualifying well (under part 250, subpart A of this title) to an existing field or designate a new field and will notify you and other affected lessees and operating rights holders in the field of that assignment.

(1) Within 15 days of the final notification, you or any of the other affected lessees or operating rights holders may file a written request with the Director for reconsideration, accompanied by a Statement of Reasons.

(2) The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is the final action of the Department of the Interior and is not subject to appeal to the Interior Board of Land Appeals under part 290 of this title and 43 CFR part 4.

(b) If we establish a royalty suspension volume for a field, either as a result of an approved application for royalty relief submitted for a pre-Act lease under part 203 of this title or as

the result of production starting from one or more eligible leases in the field, then:

(1) Royalty-free production from your RS lease shares from and counts as part of any royalty suspension volume remaining for the field to which we assign your lease; and

(2) Your RS lease may continue to produce royalty-free up to the royalty suspension we specified for your lease, even if the field to which we assign your RS lease has produced all of its royalty suspension volume.

(c) Your lease may share in a suspension volume larger than the royalty suspension with which we issued it and to the extent we grant a larger volume in response to an application by a pre-Act lease submitted under part 203 of this title. To share in any larger royalty suspension volume, you must file an application described in §§ 203.71 and 203.83. In no case will royalty-free production for your RS lease be less than the royalty suspension specified for your lease.

Bidding System Selection Criteria

§ 260.130 What criteria does MMS use for selecting bidding systems and bidding system components?

In analyzing the application of one of the bidding systems listed in § 260.110 to tracts selected for any OCS lease sale, we may, at our discretion, consider the following purposes and policies. We recognize that each of the purposes and policies may not be specifically applicable to the selection process for a particular bidding system or tract, or may present a conflict that we will have to resolve in the process of bidding system selection. The order of listing does not denote a ranking.

(a) Providing fair return to the Federal Government;

(b) Increasing competition;

(c) Ensuring competent and safe operations;

(d) Avoiding undue speculation;

(e) Avoiding unnecessary delays in exploration, development, and production;

(f) Discovering and recovering oil and gas;

(g) Developing new oil and gas resources in an efficient and timely manner;

(h) Limiting the administrative burdens on Government and industry; and

(i) Providing an opportunity to experiment with various bidding systems to enable us to identify those most appropriate for the satisfaction of the objectives of the United States in OCS lease sales.

Subpart C [Reserved]

Subpart D—Joint Bidding

§ 260.301 What is the purpose of this subpart?

The purpose of this subpart is to encourage participation in OCS oil and gas lease sales by limiting the requirement for filing ''Statements of Production'' to certain joint bidders.

§ 260.302 What definitions apply to this subpart?

For the purposes of this subpart, all terms used are defined as in § 256.40 of this title.

§ 260.303 What are the joint bidding requirements?

(a) You must file a Statement of Production with the Director, according to the requirements of §§ 256.38 through 256.44 of this title if:

(1) You submit a joint bid for any OCS oil and gas lease during a 6-month bidding period; and

(2) You were chargeable for the prior production period with an average daily production from all sources in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products.

(b) The Statement of Production that you file under paragraph (a) of this section must state that you are chargeable for the prior production period with an average daily production in excess of the quantities listed in paragraph (a) of this section.

(c) If your average daily production in the prior production period met or exceeded the quantities specified in paragraph (a) of this section, you may not submit a joint bid for any OCS oil and gas lease during the applicable 6-month bidding period with any other person similarly chargeable. We will disqualify and reject these bids.

(d) If your average daily production in the prior production period met or exceeded the quantities specified in paragraph (a) of this section, you may not enter into an agreement prior to a lease sale that would result in two or more persons, similarly chargeable, acquiring or holding any interest in the tract for which the bid is submitted. We will disqualify and reject these bids.

[FR Doc. 01–4490 Filed 2–22–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 178, Part 1

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale 178, Part 1.

This Final Notice of Sale 178, Part 1, offers for lease all blocks in the Central Gulf of Mexico except for blocks beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Western Gap and certain other deferrals as specified below. A separate offering in late August 2001 of Central Gulf of Mexico blocks in the Western Gap (in the Amery Terrace Area (NG15–09)) is under consideration. If it occurs, it will be known as Sale 178, Part 2.

On March 28, 2001, the Minerals Management Service (MMS) will open and publicly announce bids received for blocks offered in Sale 178, Part 1, Central Gulf of Mexico, pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR Part 256). Bidders can obtain a ''Final Notice of Sale 178, Part 1 Package'' containing this Notice of Sale and several supporting and essential documents referenced herein, from the MMS Gulf of Mexico Region's Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region's Internet site at http://www.gomr.mms.gov. The MMS also maintains a 24-hour Fax-on-Demand Service at (202) 219–1703. The ''Final Notice of Sale 178, Part 1 Package'' contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the package.

Location and Time: Public bid reading will begin at 9 a.m., Wednesday, March 28, 2001, in the Sheraton New Orleans Hotel (Armstrong Ballroom, 8th floor), 500 Canal Street, New Orleans, Louisiana. All times referred to in this document are local New Orleans time.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, between 8 a.m. and 4 p.m., prior to the Bid Submission Deadline of 10 a.m., Tuesday, March 27, 2001. If the bids are mailed, mark on the envelope containing all the sealed bids the following: *Attention:* Mr. John Rodi, Contains Sealed Bids for Sale 178, Part 1. If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 27, 2001. In the event of widespread flooding or other natural disaster, the MMS Gulf of Mexico Regional Office may extend the bid submission deadline. Bidders may call (504) 736–0557 for information about the possible extension of the bid submission deadline due to such an event.

Areas Offered for Leasing

The MMS is offering for leasing all blocks and partial blocks listed in the document ''Blocks Available for Leasing in Gulf of Mexico OCS Oil and Gas Lease Sale 178, Part 1'' included in the Sale Notice Package. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Regional Office Public Information Unit).

Outer Continental Shelf Leasing Maps—Louisiana Nos. 1 through 12: (These 30 maps sell for $2.00 each)

LA1 West Cameron Area (revised 09/01/99)
LA1A West Cameron Area, West Addition (revised 05/30/97)
LA1B West Cameron Area, South Addition (revised 05/30/97)
LA2 East Cameron Area (revised 09/01/99)
LA2A East Cameron Area, South Addition (revised 09/01/99)
LA3 Vermilion Area (revised 09/01/99)
LA3A South Marsh Island Area (revised 09/01/99)
LA3B Vermilion Area, South Addition (revised 09/01/99)
LA3C South Marsh Island Area, South Addition (revised 09/01/99)
LA3D South Marsh Island Area, North Addition (revised 09/01/99)
LA4 Eugene Island Area (revised 09/01/99)
LA4A Eugene Island Area, South Addition (revised 09/01/99)
LA5 Ship Shoal Area (revised 09/01/99)
LA5A Ship Shoal Area, South Addition (revised 09/01/99)
LA6 South Timbalier Area (revised 09/01/99)
LA6A South Timbalier Area, South Addition (revised 09/01/99)
LA6B South Pelto Area (revised 09/01/99)
LA6C Bay Marchand Area (revised 12/30/94)
LA7 Grand Isle Area (revised 09/01/99)
LA7A Grand Isle Area, South Addition (revised 09/01/99)
LA8 West Delta Area (revised 09/01/99)
LA8A West Delta Area, South Addition (revised 09/01/99)
LA9 South Pass Area (revised 09/01/99)
LA9A South Pass Area, South and East Addition (revised 09/01/99)
LA10 Main Pass Area (revised 09/01/99)
LA10A Main Pass Area, South and East Addition (revised 09/01/99)
LA10B Breton Sound Area (revised 09/01/99)
LA11 Chandeleur Area (revised 09/01/99)
LA11A Chandeleur Area, East Addition (revised 09/01/99)
LA12 Sabine Pass Area (revised 05/30/97)

Outer Continental Shelf Official Protraction Diagrams: (These diagrams sell for $2.00 each)

NG15–03 Green Canyon (revised 09/01/99)
NG15–06 Walker Ridge (revised 09/01/99)
NG15–09 Amery Terrace (revised 10/25/00)
NG16–01 Atwater Valley (revised 09/01/99)
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NH16–04 Mobile (revised 09/01/99)
NH16–07 Viosca Knoll (revised 09/01/99)
NH16–10 Mississippi Canyon (revised 05/01/96)

Note: A CD–ROM (in ARC/INFO format) containing all of the Gulf of Mexico Leasing Maps and Official Protraction Diagrams, except for those not yet revised to digital format, is available from the MMS Gulf of Mexico Regional Office Public Information Unit for a price of $15.00. Only Amery Terrace (NG15–09) in the Central Gulf is not available on the CD–ROM. The Leasing Maps and Official Protraction Diagrams are also available on our Internet site. See also 65 FR 2191, published on January 13, 2000, and 65 FR 67016, published on November 8, 2000, for the current status of all Gulf of Mexico Leasing Maps and Official Protraction Diagrams.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document ''List of Blocks

Available for Leasing, Sale 178, Part 1'' included in the Sale Notice Package. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Information on the unleased portions of such blocks, including the exact acreage, is found in the document titled ''Central Gulf of Mexico Lease Sale 178, Part 1, Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease,'' included in the Sale Notice Package.

Areas Not Available for Leasing

The following blocks in the Central Gulf of Mexico Planning Area are not available for leasing: Blocks currently under lease; Mississippi Canyon Block 474, which is under consideration for use as the host location to develop several existing leases termed the ''NaKika Project'; Viosca Knoll Block 69 (lease termination is currently under appeal); and the following blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Eastern Gap are deferred from leasing in this sale by the Department of the Interior: *Lund South (Area NG16–07)* Blocks 172, 173, 213 through 217, 252 through 261, 296 through 305, 349; and the following blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Western Gap are deferred from leasing in this sale by the Department of the Interior but are under consideration to be offered in a Sale 178, Part 2, in August 2001: *Amery Terrace (Area NG15–09)* Blocks 133 through 135, 177 through 184, 221 through 238, 265 through 281, 309 through 320, 355 through 359.

Leasing Terms and Conditions

Primary lease terms, primary lease term extensions, minimum bids, annual rental rates, royalty rates, and royalty suspension areas are shown on the map ''Lease Terms and Economic Conditions, Sale 178, Part 1, Final'' for leases resulting from this sale:

Primary lease terms: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Primary lease term extensions: Extensions *may* be granted for eligible blocks in water depths less than 400 meters as specified in Notice To Lessees and Operators (NTL) 2000–G22, effective December 22, 2000;

Minimum bids: $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and $37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Annual rental rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas is made, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty rates: 16⅔ percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month in which the production is obtained;

Minimum royalty: After the start of royalty-bearing production: $5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year;

Royalty Suspension Areas: We are offering leases in this sale subject to the new final regulations in 30 CFR Part 260, published in February 2001. Royalty suspension will apply for blocks in water depths less than 200 meters where new deep gas (15,000 feet or greater subsea) is drilled and commences production within the initial primary 5-year lease term, and in water depths of 800 meters or deeper (for oil and gas); see the map titled ''Lease Terms and Economic Conditions, Sale 178, Part 1, Final'' for specific areas. See the document contained within the Sale 178, Part 1, Final Notice Package titled ''Royalty Suspension Provisions, Sale 178, Part 1'' for the specific details regarding royalty suspension eligibility and implementation.

The map titled ''Stipulations and Deferred Blocks, Sale 178, Part 1, Final'' depicts the blocks where four lease stipulations apply: 1. Topographic Features, 2. Live Bottoms, 3. Military Areas, and 4. Blocks South of Baldwin County, Alabama. The texts of the stipulations are contained in the document ''Lease Stipulations for Oil and Gas Lease Sale 178, Part 1, Final'' included in the Final Sale Notice Package. Also shown on this map are the deferred blocks noted above.

Rounding: The following procedure must be used to calculate minimum bid, rental, and minimum royalty on blocks with fractional acreage: Round up to the next whole acre and multiply by the applicable dollar amount to determine the correct minimum bid, rental, or minimum royalty.

Note: For the minimum bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bid calculation, including all rounding, is shown in the document ''List of Blocks Available for Leasing in Central Gulf of Mexico OCS Oil and Gas Sale 178, Part 1'' included in the Sale Notice Package.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled ''Sealed Bid for Oil and Gas Lease Sale 178, Part 1, not to be opened until 9 a.m., Wednesday, March 28, 2001.'' The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document ''Bid Form and Envelope'' contained in the Sale Notice Package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 65 FR 59869, on October 6, 2000. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Regional Office. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅕th bonus on all high bids. A statement to this effect must be included on each bid (see the document ''Bid Form and Envelope'' contained in the Sale Notice Package).

Bid Deposit: Submitters of high bids must deposit the ⅕th bonus by using electronic funds transfer (EFT) procedures, following the detailed instructions contained in the document ''Instructions for Making EFT Bonus Payments'' included in the Sale Notice Package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) during the period the bids

are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Note: Certain bid submitters (i.e., those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a ⅕th bonus payment (EFT or otherwise)) are required to guarantee (secure) their ⅕th bonus payment. For those who must secure the EFT ⅕th bonus payment, one of the following options may be used: 1. Provide a third-party guaranty; 2. Amend Development Bond Coverage; 3. Provide a Letter of Credit; or 4. Provide a lump sum payment via EFT prior to the sale. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated Sale Notice Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, ''Modifications to the Bid Adequacy Procedures'' (64 FR 37560 of July 12, 1999), effective July 1, 1999, is available from the MMS Gulf of Mexico Regional Office Public Information Unit.

Successful Bidders: As required by MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS–2005 (March 1986) as amended), pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued by EFT in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended. Each bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Regional Office Adjudication Unit, a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, Part 12, Subpart D. A copy of the Debarment Certification Form is contained in the Sale Notice Package.

Affirmative Action: The MMS requests that the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985), be on file in the MMS Gulf of Mexico Regional Office Adjudication Unit prior to bidding. In any event, these forms are *required* to be on file in the MMS Gulf of Mexico Regional Office Adjudication Unit prior to execution of any lease contract. Bidders must also comply with the requirements of 41 CFR 60.

Information to Lessees: The Sale Notice Package contains a document titled ''Information to Lessees.'' These Information to Lessees items provide information on various matters of interest to potential bidders.

Dated: February 16, 2001.

Thomas R. Kitsos,

Acting Director, Minerals Management Service.

Piet deWitt,

Acting Assistant Secretary, Land and Minerals Management.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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