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WHEN: Tuesday, April 17, 2001 at 9:00 a.m.

WHERE: Office of the Federal Register
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800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Chapter I

Grain Inspection, Packers and Stockyards Administration

7 CFR Chapter VIII

[Docket Number FGIS–2000–001b]

RIN 0580–AA73

Request for Public Comments on How USDA Can Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Evolving Marketplace

AGENCY: Agricultural Marketing Service, Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration published an advance notice of proposed rulemaking in the **Federal Register** on November 30, 2000, asking for comments on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace. The 90-day comment period provided in the ANPRM closed February 28, 2001. It has been brought to our attention that several potential commenters need additional time to formulate their responses to the ANPRM. Therefore, we are reopening and extending the comment period to provide interested parties with additional time in which to comment.

DATES: Comments must be received on or before April 16, 2001.

ADDRESSES: Interested persons are invited to submit written comments on this notice to Richard Hardy, GIPSA, USDA, 1400 Independence Avenue, SW., Room 0757–S, Washington, DC 20250–3650. Comments may also be sent by fax to (202) 720–2459; filed via the Internet through the GIPSA homepage at www.usda.gov/gipsa; or e-mailed to *anpr@gipsadc.usda.gov.*

It is our intention to have all comments on the advance notice of proposed rulemaking available for viewing on the GIPSA homepage at www.usda.gov/gipsa in a timely manner.

Comments are also available for viewing in room 0757–S from 9 a.m. to 12 noon and from 1p.m. to 4 p.m. Monday through Friday (except official Federal holidays) (7 CFR 1.27). Persons wanting to visit the USDA South Building to view the comments are requested to make an appointment in advance by calling (202) 720–4848.

FOR FURTHER INFORMATION CONTACT: Marianne Plaus, Assistant to the Deputy Administrator, Federal Grain Inspection Service, GIPSA, 202–690–3460.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** on November 30, 2000 (65 FR 71272), asking for comments on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace. Comments on the ANPRM were required to be received on or before February 28, 2001. Several potential commenters have indicated a need for additional time to formulate their responses to the ANPRM. Therefore, we are reopening and extending the comment period for the ANPRM for an additional 45 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 71 et seq. and 7 U.S.C. 1621 et seq.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5236 Filed 3–2–01; 8:45 am]

BILLING CODE 3410–EN–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–72]

Union of Concerned Scientists; Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by David Lochbaum of the Union of Concerned Scientists. The petition, docketed on December 13, 2000, has been assigned Docket No. PRM–50–72. The petitioner requests that the NRC revise its regulations to require nuclear power plant owners to submit the performance indicator information needed for the NRC's revised reactor oversight program.

DATES: Submit comments by May 21, 2001. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:30 a.m. and 4:15 p.m. on Federal workdays.

For a copy of the petition, write to Michael T. Lesar, Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website at http://ruleforum.llnl.gov. This site allows you to upload comments as files in any format, if your web browser supports the function. For information about the interactive rulemaking website, contact Carol Gallagher, (301) 415–5905 e-mail:cag@nrc.gov.

The petition and copies of comments received may be inspected, and copied for a fee, at the NRC Public Document Room, (first floor) 11555 Rockville Pike, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Acting Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–7163 or Toll Free: 1–800–368–5642 or *e-mail:mtl@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Petitioner

The Union of Concerned Scientists (UCS) states that it was actively involved in the development of the reactor oversight program. UCS served on the Pilot Program Evaluation Panel formally established by the NRC to independently assess the trial implementation of the reactor oversight program at eight nuclear plant sites in 1999. UCS presented its views on the reactor oversight process to the NRC Chairman and Commissioners during a public meeting. UCS presented the criticism that the public perceives that the NRC allows the nuclear industry to regulate itself through the collection and voluntary submittal of performance indicator information. UCS recommended that: ''the NRC must appear more authoritative to gain the confidence of the public. The NRC should obtain an irrevocable commitment from all plant owners to participate in the revised reactor oversight process before industry-wide implementation.''

The petitioner asserts that no commitment has been obtained by the NRC, and that despite the importance of the performance indicators in the reactor oversight program and the fact that the NRC's revised inspection program, by itself, cannot provide a complete evaluation of safety levels, nuclear plant owners are not required to submit the performance indicator information to the NRC.

Discussion

The petitioner states that on March 28, 2000, the NRC approved the implementation of a revised reactor oversight program [1] at all operating nuclear power plants, except DC Cook. The petitioner states that, according to the NRC, the revised oversight process calls for—

1. Focusing inspections on activities where the potential risks are greater;
2. Applying greater regulatory attention to nuclear power plants with performance problems, while maintaining a normal level of regulatory attention on facilities that perform well;
3. Using objective measurements of the performance of nuclear power plants;
4. Giving both the public and the nuclear industry timely and understandable assessments of plant performance;
5. Reducing unnecessary regulatory burden on nuclear facilities; and
6. Responding to violations of regulations in a predictable and consistent manner that reflects the potential safety impact on the violations.

According to the petitioner, these objectives are to be achieved by a combination of objective performance indicators and by the NRC inspection program. The petitioner states that according to the NRC—

> Performance indicators use objective data to monitor performance within each of the 'cornerstone' areas. The data which make up the performance indicators will be generated by the utilities and submitted to the NRC on a quarterly basis. Each performance indicator is measured against established thresholds which are related to their effect on safety. While performance indicators can provide insights into plant performance for selected areas, the NRC's inspection program provides a greater depth and breadth of information for consideration by the NRC in assessing plant performance.

The petitioner states that the NRC supplements the insights from the performance indicators with the baseline inspection program. The baseline inspection program covers three parts:

(1) Inspection of areas not covered by performance indicators or where a performance indicator does not fully cover the inspection area;

(2) Inspections to verify the accuracy of a licensee's reports on performance indicators; and

(3) A thorough review of the utility's effectiveness in finding and resolving problems on its own.

Under the new reactor oversight process, the petitioner also notes that the NRC revised the procedures used by its inspectors. The revised procedures define how often areas must be inspected, *i.e.* certain areas must be inspected four times a year while other areas need only be inspected once every three years. The petitioner states that the scope of the inspection program is directly affected by the availability of the performance indicators. Therefore, the petitioner asserts that the NRC inspection program is not a fully redundant backup to the performance indicators, and that both the inspection program results and the performance indicators must be available to get a full picture of nuclear plant safety levels. The petitioner states that if the performance indicator information is not available, the NRC cannot get an accurate assessment of plant safety levels.

The petitioner further states that the performance indicators and the results from the baseline inspection programs are used by the NRC to evaluate safety levels at each nuclear plant and to identify areas for future inspections. The petitioner provided the following detail:

Each calendar quarter, the resident inspectors and the staff in the regional office will review the performance of all nuclear power plants in that region, as measured by the performance indicators and by inspection findings. Every six months, this review will be expanded to include planning of inspections for the following 12-month period.

Each year, the final quarterly review will involve a more detailed assessment of plant performance over the previous 12 months and preparation of a performance report, as well as the inspection plan for the following year. This review will include NRC headquarters staff members, the regional staff, and the resident inspectors.

These annual performance reports will be available to the public on the agency's web site, and the NRC staff will hold public meetings with utilities to discuss the previous year's performance at each plant.

The Petitioner's Requested Amendment

The petitioner requests that the NRC revise its regulations to require nuclear reactor licensees to submit the performance indicator information. In support of the requested amendment, the petitioner included NRC's stated objectives for its mission as follows: (1) Maintaining safety, (2) enhancing public confidence, (3) improving the effectiveness and efficiency of NRC processes, and (4) reducing unnecessary regulatory burden. The petitioner believes that the requested amendment satisfies all four objectives of the NRC's mission and offers the summary below to support this conclusion.

Maintaining Safety—The petitioner states that the NRC's new assessment program (reactor oversight program) is substantially different from the previous process. It makes greater use of objective performance indicators. Together, the indicators and inspection findings

[1] Nuclear Regulatory Commission, ''Staff Requirements Memorandum SRM–00–0049, Staff Requirements—SECY–00–0049—Results of the Revised Reactor Oversight Process Pilot Program (Part 1),'' March 28, 2000. Available on the internet at http://www.nrc.gov/NRC/COMMISSION/SRM/2000–0049srm.html).

provide the information needed to support reviews of plant performance, to be conducted on a quarterly basis, with the results posted on the NRC's Internet site.

The petitioner believes that performance indicators are an essential element of the reactor oversight program and that their omission would degrade the ability of the reactor oversight program to assess nuclear plant performance levels. According to the petitioner, the current NRC staff may be able to compensate for missing performance indicators from one or two nuclear plants by conducting additional inspections. Also, the petitioner states that NRC inspectors could be expected to revert to broader inspection procedures that they used as recently as last spring. However, the petitioner states that as time passes and familiarity with the old ways fades, that capability also diminishes. In addition, the petitioner asserts that it is uncertain that the NRC staff has, or will continue to have, sufficient inspection staff to compensate for the eventuality where an owner operating numerous reactors suddenly decides not to submit the performance indicator information for any plant. The petitioner believes that the suggested amendment would satisfy the objective of maintaining safety by ensuring that the NRC continues to receive the vital information that it needs to assess nuclear plant performance levels.

Enhancing Public Confidence—The petitioner believes that public confidence only can be enhanced by requiring plant owners to submit information that is needed for the NRC to conduct its oversight program. As an analogy, the petitioner offers that, just as the Internal Revenue Service does not rely on the voluntary submission of tax returns by American taxpayers, the NRC should not rely on voluntary submission of vital safety information by nuclear plant owners.

Improving the Effectiveness and Efficiency of NRC Processes—The petitioner indicates that the substantive changes made by the NRC within its reactor oversight program were predicated on the assumption that nuclear plant owners would submit the performance indicator information. For example, the NRC inspection program was scaled back to only confirmatory checks in areas covered by performance indicators. The petitioner believes that any effectiveness and efficiency gains realized from the reactor oversight program would be sacrificed if one or more plant owners opted not to submit performance indicator information and that NRC's effectiveness would be impaired by having to inspect what had been covered by the performance indicator.

Reducing Unnecessary Regulatory Burden—The petitioner states that all nuclear plant owners in the U.S. today must consider the submission of the performance indicator information as a necessary regulatory burden; otherwise they would not have participated in the voluntary program that has been in place since April 2000. The petitioner believes that if the performance indicator information showed that safety levels declined, that plant owners must not have the option of viewing the submission as an unnecessary regulatory burden to avoid NRC scrutiny of the problem areas. The petitioner states that by merely codifying current industry practice, no unnecessary regulatory burden is introduced.

Conclusion

The petitioner believes that the NRC must require performance indicator information from all nuclear power plant owners if the NRC is to meet its stated objectives of maintaining safety, enhancing public confidence, improving the effectiveness and efficiency of its processes, and reducing regulatory burden. The petitioner notes that the recent example of the vehicle tire safety issue emphasizes the need for definitive requirements for submission of safety information to Federal regulators. The petitioner states that Congressional hearings revealed that the tire company had information on potential safety problems that it delayed transmitting to the Federal regulator. The petitioner further states that the tire company was not aggressive in responding to requests by the Federal regulator for information. The petitioner concludes that the NRC must revise its regulations to prevent similar abuses.

Dated at Rockville, Maryland, this 27th day of February, 2001.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01–5215 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–50–AD]

RIN 2120–AA64

Airworthiness Directives; Kaman Aerospace Corporation Model K–1200 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Kaman Aerospace Corporation (Kaman) Model K–1200 helicopters. The AD would require reducing the life limit of the rotor shaft and teeter pin assembly, and establishing a life limit for the flap clevis. This proposal is prompted by the discovery of cracks in parts that were returned to the manufacturer. The actions specified by the proposed AD are intended to prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–50–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Noll, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7160, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All

communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–50–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–50–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new airworthiness directive (AD) for Kaman Model K–1200 helicopters. The AD would require:

- Reducing the life limit for the rotor shaft from 10,000 hours time-in-service (TIS) to 3,750 TIS;
- Reducing the life limit of the teeter pin assembly from 10,000 hours TIS to 550 hours TIS; and
- Establishing a life limit of the flap clevis of 640 hours TIS.

This proposal is prompted by the discovery of cracks in parts that were returned to the manufacturer. The actions specified by the proposed AD are intended to prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other Kaman Model K–1200 helicopters of the same type design, the proposed AD would require:

- Reducing the life limit of the rotor shaft, part number (P/N) K974112–001, –003, –005, –007, –009, or –101, from 10,000 hours TIS to 3,750 hours TIS;
- Reducing the life limit of the teeter pin assembly, P/N K910005–007 or –009, from 10,000 hours to 550 hours TIS; and
- Establishing a life limit of the flap clevis, P/N K911049–011, –017, –019, or –021, of 640 hours TIS.

The FAA estimates that 9 helicopters of U.S. registry would be affected by this proposed AD, that it would take 0.25 hour per helicopter to accomplish the proposed changes to the Limitations section of the applicable maintenance manual, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $135, plus an increase in hourly operating costs of approximately $13 for each affected helicopter.

The regulations proposed herein would not have a 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Kaman Aerospace Corporation: Docket No. 2000–SW–50–AD.

Applicability: Model K–1200 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 25 hours time-in-service, unless accomplished previously.

To prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove any rotor shaft, part number (P/N) K974112–001, –003, –005, –007, –009, or –101, that has 3,750 or more hours time-in-service (TIS) and replace it with an airworthy rotor shaft. Remove any teeter pin assembly, P/N K910005–007 or –009, that has 550 or more hours TIS and replace it with an airworthy teeter pin assembly. Remove any flap clevis, P/N K911049–011, –017, –019, or –021, that has 640 or more hours TIS and replace it with an airworthy flap clevis.

(b) This AD revises the Limitations section of the maintenance manual by reducing the life limit of the rotor shaft, P/N K974112–001, 003, –005, –007, –009, and –001, to 3,740 hours TIS; reducing the life limit of the teeter pin assembly, P/N K910005–007 and –009, to 550 hours TIS; and establishing a life limit for the flap clevis, P/N K911049–011, –017, –019, and –021, of 640 hours TIS.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on February 21, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5170 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–82–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft LTD Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 99–17–08, which currently requires modifying the generator 2 excitation by removing certain diodes and installing a new 5-amp circuit breaker and suppression filter found on certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. The Federal Aviation Administration has determined that the A250 voltage spike suppression filter in the modification kit can cause the circuit breaker 235 to trip because of overload. In extreme circumstances, this can lead to overheating of wiring. The proposed AD would require modifying the generator 2 excitation by removing certain diodes, installing a new 5-amp circuit breaker and new suppression filter requirement in accordance with revised procedures. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components.

DATES: The FAA must receive any comments on this proposed rule by April 12, 2001.

ADDRESSES: Send three copies of comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–82–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get service information that applies to the proposed AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. You may also read this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite your comments on the proposed rule. You may send whatever written data, views, or arguments you choose. You need to include the rule's docket number and send your comments in triplicate to the address mentioned under the caption **ADDRESSES.** We will consider all comments received by the closing date mentioned above, before acting on the proposed rule. We may change the proposals contained in this notice because of the comments received.

Are there any specific portions of the proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might call for a need to change the proposed rule. You may read all comments we receive. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this proposal.

The FAA is reexamining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on the ease of understanding this document, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.faa.gov/language/.*

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 99–CE–82–AD.'' We will date stamp and mail the postcard back to you.

Discussion

Has FAA taken any action to this point? The FAA issued AD 99–17–08, Amendment 39–11256 (64 FR 45149, August 19, 1999), against Pilatus models PC–12 and PC–12/45 airplanes, to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components of Pilatus Models PC–12 and PC–12/45 airplanes.

AD 99–17–08 requires that you do the following on the affected airplanes:

—modify the generator 2 excitation by removing certain diodes; and

—install a new 5-amp circuit breaker and suppression filter.

AD 99–17–08 was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland.

What has happened since AD 99–17–08 to begin this action? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA of the need to change AD 99–17–08. The FOCA reports that after installation of Pilatus Service Bulletin SB 21–012 and turning on electrical power on one of the affected airplanes, the circuit breaker CB 235 tripped.

Investigation revealed that the suppression filter (A250) (part number 524.52.12.358) was shorted. The suppression diode, installed in the filter was shorted and the wrong type. The manufacturer's A250 voltage spike suppression filter is inadequate and must be replaced with a new A250 voltage spike suppression filter.

Is there service information that applies to this subject? Pilatus issued:

—Service Bulletin No 24–012, dated February 19, 1999; and

—Service Bulletin No 24–014, dated October 27, 1999.

What are the provisions of these service bulletins? These service bulletins include procedures for:

—modifying the generator 2 excitation by removing certain diodes and installing a new 5-amp circuit breaker and suppression filter;

—removing the A250 voltage spike suppression filter; and

—installing the new A250 voltage spike suppression filter.

What action did the FOCA take? The FOCA classified both service bulletins as mandatory and issued Swiss AD HB 99–143, dated February 19, 1999, and AD HB 99–542, dated October 29, 1999, to assure the continued airworthiness of these airplanes in Switzerland.

Was this in accordance with the bilateral airworthiness agreement? This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Complying with this bilateral airworthiness agreement, the FOCA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided? The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; and determined that:

—the unsafe condition referenced in this document exists or could develop on other Pilatus Models PC–12 and PC–12/45 airplanes of the same type design that are equipped with one of the previously referenced stabilizer trim actuators;

—the actions specified in the previously-referenced service information should be done on the affected airplanes; and

—AD action should be taken to correct this unsafe condition.

What would the proposed AD require? This proposed AD would supersede AD 99–17–08 with a new AD that would require you to incorporate the actions in the previously referenced service bulletins.

Cost Impact

How many airplanes would the proposed AD impact? We estimate that the proposed AD affects 69 airplanes in the U.S. registry.

What would be the cost impact of the proposed AD on owners/operators of the affected airplanes? We estimate the following costs to do the proposed modification of the generator 2 excitation:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
8 workhours × $60 per hour = $480	Parts will be provided at no cost to the owners/operators of the affected aircraft.	$480	$33,120

If the modification of the generator 2 excitation has been done with the manufacturer's modification kit, then we estimate the following costs to remove the A250 voltage spike suppression filter and replace it with the new A250 voltage spike suppression filter:

Labor Cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
3 workhours × $60. per hour = $180	Parts will be provided at no cost to the owners/operators of the affected aircraft.	$180	$12,420

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed would not have a 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. We have determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. You may request copy by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by removing airworthiness directive (AD) 99–17–08, Amendment 39–11256 (64 FR 45149, August 19, 1999), and by adding a new AD to read as follows:

Pilatus Aircraft Ltd.: Docket No. 99–CE–82–AD; Supersedes AD 99–17–08, Amendment 39–11256.

(a) *What airplanes are affected by this AD?* This AD affects Models PC–12 and PC–12/45 airplanes, serial numbers 101 through 289, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent damage to electrical components if generator 2 is not switched off before engine shutdown and it overheats. This could result in loss of electrical power to certain critical airplane components.

(d) *What actions must I accomplish to address this problem?* To address this problem, unless already done, you must do the following:

Action	Compliance time	Procedures
(1) Modify the generator 2 excitation with the modification kit, part number 500.50.12.192, replacing the A250 voltage spike suppression filter, part number 524.52.12.358, with a new A250 voltage spike suppression filter, part number 524.52.12.502.	Within the next 100 hours time-in-service (TIS) after the effective date of this AD.	Do this action following the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 24–012, dated February 19, 1999, and Service Bulletin No. 24–014, dated October 27, 1999.
(2) If the modification kit, part number 500.50.12.192, is already installed using the A250 voltage spike suppression filter, part number 524.52.12.358, only replace this voltage spike suppression filter with a new A250 voltage spike suppression filter, part number 524.52.12.502.	Within the next 100 hours TIS after the effective date of this AD.	Do this action following the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 24–014, dated October 27, 1999.
(3) Do not install any A250 voltage spike suppression filter, part number 524.52.12.358, or FAA–approved equivalent part number.	As of the effective date of this AD	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. You may read these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in these Swiss AD's:

—HB 99–143, dated February 19, 1999; and

—HB 99–542, dated October 29, 1999.

Issued in Kansas City, Missouri, on February 26, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certfication Service.

[FR Doc. 01–5169 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Chapter II

[Release Nos. 33–7955, 34–44014, 35–27350, IA–1929, IC–24879]

RIN 3235–AI14

Public Information: Advanced Notice of Proposed Rulemaking on Electronic Reporting and Recordkeeping and Delayed Effective Date of Recordkeeping Provisions in the Electronic Signatures in Global and National Commerce Act of 2000

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Securities and Exchange Commission announces several upcoming rulemaking activities regarding recordkeeping requirements under the federal securities laws consistent with the Electronic Signatures in Global and National Commerce Act of 2000. The action delays the effective date of certain provisions in the Act that may affect certain recordkeeping requirements under the federal securities laws.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Associate Director, (202) 942–0131; Thomas K. McGowan, Assistant Director, (202) 942–4886; Randall W. Roy, Special Counsel, (202) 942–0798, or Mathew Comstock, Attorney, (202) 942–0156, Division of Market Regulation (for broker-dealers); Larry E. Bergmann, Associate Director, (202) 942–0770; Jerry Carpenter, Assistant Director; David Karasik, Special Counsel, (202) 942–4187, Division of Market Regulation (for transfer agents); Martha B. Peterson, Special Counsel, Office of Regulatory Policy, Division of Investment Management (202) 942–0690; Victoria J. Adraktas, Attorney-Advisor, Office of Public Utility Regulation (202) 942–0545; Mark Borges, Attorney-Advisor, Office of Rulemaking, Division of Corporation Finance, (202) 942–2900, at the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announces today several upcoming rulemaking activities regarding recordkeeping requirements under the federal securities laws consistent with the Electronic Signatures in Global and National Commerce Act of 2000 (Pub. L. 106–229) (''ESign''). Under Section 107(b)(1)(B) of ESign, the record retention provisions of Title I of that Act will become effective on June 1, 2001.

Under the federal securities laws, regulated entities, including registered broker-dealers, transfer agents, investment companies, investment advisers, and public utility holding companies, must keep certain records of their activities. The Commission currently allows these entities to keep certain records electronically, subject to standards designed to protect investors' interests, the financial stability of regulated entities and generally to further the purposes of the federal securities laws. ESign is intended to remove unnecessary impediments to the use of electronic records in commerce, while preserving the ability of agencies

like the Commission to reconcile ESign's policy with the statutes they administer. The Commission will act shortly to provide interpretative guidance and, where appropriate, propose or adopt rules consistent with ESign. These releases will be published separately in the **Federal Register**.

Because ESign does not generally apply to information required to be filed with government agencies, the Commission is not currently contemplating any changes to its existing filing rules as a result of ESign. Filers should therefore continue to follow current filing rules.

Dated: February 28, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5328 Filed 3–1–01; 11:12 am]

BILLING CODE 8010–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1304, 1305, 1306, 1311

[DEA–214A]

RIN 1117–AA60, 1117–AA61

Electronic Commerce: Electronic Orders for Schedule I and II Controlled Substances; Electronic Prescriptions for Controlled Substances

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration (DEA) is publishing this Advance Notice of Proposed Rulemaking to formally notify the interested public of DEA's intent to publish Notices of Proposed Rulemaking regarding two electronic initiatives. The first electronic initiative (RIN 1117–AA60) will propose regulations to provide DEA registrants with the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 *et seq.*). The regulations will propose that this electronic system may also be used for ordering controlled substances in Schedules III, IV and V. The second electronic initiative (RIN 1117–AA61) will propose regulations to permit DEA registered prescribers to electronically write, sign and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. Through these electronic initiatives, DEA will be proposing regulations consistent with the Government Paperwork Elimination Act (Pub. L. 105–277) (GPEA) and the Electronic Signatures in Global and National Commerce Act (Pub. L. 106–229) (E-Sign). Publication of this Advance Notice of Proposed Rulemaking also responds to the requirements of E-Sign which state that for a Federal agency which has announced, proposed, or initiated a rulemaking proceeding to prescribe a regulation responding to E-Sign on or before March 1, 2001, the effect of E-Sign's record retention provision is delayed until June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–7297, Web site: *http://www.deadiversion.usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Why Is DEA Publishing This Advance Notice of Proposed Rulemaking?

DEA is publishing this Advance Notice of Proposed Rulemaking to formally notify the interested public that DEA intends to publish, in the near future, two Notices of Proposed Rulemaking regarding two electronic initiatives DEA has undertaken. These electronic initiatives, and their accompanying regulations, will permit DEA to comply with GPEA and E-Sign, while ensuring appropriate controls over the ordering and prescribing of controlled substances in order to prevent diversion. DEA is publishing this Advance Notice of Proposed Rulemaking to comply with Sec. 107(b)(1)(B) of Pub. L. 106–229 which states: ''DELAYED EFFECT FOR PENDING RULEMAKINGS. If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation under section 104(b)(3) with respect to a requirement described in subparagraph (A), this title shall be effective on June 1, 2001, with respect to such requirement.''

What Electronic Initiatives Does DEA Intend To Propose?

DEA expects to publish, in the near future, two Notices of Proposed Rulemaking to propose new regulations for two electronic initiatives. The first electronic initiative (RIN 1117–AA60) will propose regulations to provide DEA registrants with the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 et seq.). The regulations will propose that this electronic system may also be used for controlled substances in Schedules III, IV and V. The second electronic initiative (RIN 1117–AA61) will propose regulations to permit DEA registered prescribers to electronically write, sign and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules.

What Actions Has DEA Already Undertaken Regarding These Electronic Initiatives?

In 1999, PEC Solutions, Inc. (PEC) (formerly Performance Engineering Corporation) was selected by DEA's Office of Diversion Control to analyze mandated, paper-based regulatory processes and to design and develop proposed concepts for public key infrastructures (PKIs) that would allow DEA and industry the option of using the current paper-based systems or electronic formats to order or prescribe controlled substances. As part of the project methodology, DEA/PEC sought input from persons within the interested industries to gain an understanding of processes involved in these regulated activities. DEA has published relevant documents and information regarding both electronic initiatives on the Office of Diversion Control's web site, at *http://www.deadiversion.usdoj.gov,* link to ''Electronic Commerce Initiatives''. Finally, DEA has held a number of public meetings (announced on DEA's web site and in letters to the industry) to detail progress of the projects, answer questions and solicit further input. DEA continues to provide information on its web site regarding project documents, updates and future meetings.

Rulemaking Analyses and Notices

Due to the preliminary nature of this document, information to complete the rulemaking analyses and notice is unavailable, and thus, not contained in this Advance Notice of Proposed Rulemaking.

Dated: February 27, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 01–5362 Filed 3–1–01; 11:12 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–110374–00]

RIN 1545–AY21

Interest-Free Adjustments With Respect to Underpayments of Employment Taxes; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTON: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking that was published in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3956), relating to interest-free adjustments with respect to underpayments of employment taxes.

FOR FURTHER INFORMATION CONTACT: Anne O'Connell Devereaux (202) 622–3850 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking (REG–110374–00), that is the subject of this correction is under section 6205 of the Internal Revenue Code.

Need for Correction

As published the notice of proposed rulemaking (REG–110374–00), contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking which was the subject of FR Doc. 01–273, is corrected as follows:

On page 3958, column 2, in the preamble under the paragraph heading ''Proposed Effective Date'', the first paragraph, line 7, the language ''January 12, 2001. No inference is'' is corrected to read ''January 17, 2001. No inference is''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–5283 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–229–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to subsidence control. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: If you submit written comments, they must be received by 4:00 p.m., [E.D.T.], April 4, 2001. If requested, a public hearing on the proposed amendment will be held on March 30, 2001. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on March 20, 2001.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to William J. Kovacic, Field Office Director, at the address listed below.

You may review copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (859) 260–8400, E-Mail: bkovacic@osmre.gov

Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564–6940

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Telephone: (859) 260–8400.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 18, 1982, **Federal Register** (47 FR 21404). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated January 25, 2001 (Administrative Record No. KY–1502), Kentucky submitted a proposed amendment to its program consisting of changes to the Kentucky Administrative Regulations (KAR) at 405 KAR 18:210—Subsidence Control. Kentucky is responding to OSM's suspension of regulations pertaining to presubsidence surveys of structures and rebuttable presumption of causation of subsidence damage (64 FR 71652, December 22, 1999).

Specifically, Kentucky proposes to: (a) delete the requirement for presubsidence surveys of structures at Section 1(4); (b) amend Section 2(2) to change the minimum period of prior notice by the permittee to surface owners prior to undermining their property from 10 days to 30 days in emergency conditions; and (c) delete the rebuttable presumption of causation of subsidence damage in Section 3(4).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, be confined to issues pertinent to the notice, and explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file and avoid using special characters and any form of encryption. Please also include ''Attn:

SPATS No. KY–229–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Lexington Field Office at (859) 260–8400.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you want us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing: If you want to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. (local time), on March 20, 2001. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak, and who wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting: If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the

subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01–5225 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–133–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Pennsylvania regulatory program (Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment references Pennsylvania's anthracite coal mining regulations when describing conditions for meeting Stage 2 bond release where prime farmlands were present prior to mining. The amendment is intended to satisfy the conditions of the required regulatory program amendment at 30 CFR 938.16(p) and make the Pennsylvania program consistent with the corresponding federal regulations.

DATES: If you submit written comments, they must be received by 4:00 p.m. (local time), April 4, 2001. If requested, a public hearing on the proposed amendment will be held on March 30, 2001. Requests to speak at the hearing must be received by 4:00 p.m. (local time), on March 20, 2001.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to Mr. Robert J. Biggi, at the address listed below.

You may review copies of the Pennsylvania program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Harrisburg Field Office.

Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036, e-mail: bbiggi@osmre.gov.

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, Pennsylvania 17105–8461, Telephone: (717) 787–5103.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and the conditions of the approval in the July 31, 1982, **Federal Register** (47 FR 33050). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Description of the Proposed Amendment

By letter dated January 3, 2001, (Administrative Record No. PA–875.00), Pennsylvania submitted a proposed amendment to its program at 25 PA Code 86.174(b)(3). The full text of this section as proposed is:

> If prime farmlands are present, the soil productivity has been returned to the required level when compared with nonmined prime farmland in the surrounding area, to be determined from the soil survey performed under the reclamation plan approved in Chapters 87–90.

This amendment was submitted to satisfy a required regulatory program amendment at 30 CFR 938.16(p). The Director required this amendment in the May 31, 1991, **Federal Register** (56 FR 24687) as our review of Pennsylvania's proposed amendment submitted on December 22, 1989 (Administrative Record Number PA 790.00) showed that Pennsylvania had inadvertently omitted the cross reference to Chapter 88 in section 86.174(b)(3) dealing with prime farmlands. If prime farmlands are present, the soil productivity must be returned to the required level of yield when compared with nonmined prime farmland in the surrounding area as determined from the soil survey performed under the approved reclamation plan prior to approval for Stage II bond release. Through the required amendment, Pennsylvania was to amend its program to include the omitted cross reference to Chapter 88. In the current amendment, Pennsylvania believes it addressed the omitted cross reference by inserting the reference to Chapters 87–90 at 25 Pa Code 86.174(b)(3).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn: SPATS NO. PA–133–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Harrisburg Field Office at (717) 782–4036.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking

record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing: If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. (local time), on March 20, 2001. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting: If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year

on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01–5226 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; DA 01–501]

Common Carrier Bureau Grants Motion for Limited Extension of Time for Filing Comments and Reply Comments on the Use of Unbundled Network Elements To Provide Exchange Access Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission issued a public notice granting a limited extension of time for filing comments and reply comments on issues raised in conjunction with the use of unbundled network elements to provide exchange access service.

DATES: Comments are due April 5, 2001 and reply comments are due April 30, 2001.

FOR FURTHER INFORMATION CONTACT: Jodie Donovan-May or Tom Navin, Attorney Advisors, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice regarding CC Docket No. 96–98, released on February 23, 2001. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, SW., Washington, DC. It is also available on the Commission's website at *http://www.fcc.gov*.

Synopsis of Public Notice

1. On January 24, 2001, the Commission released a Public Notice in CC Docket No. 96–98 inviting comment on issues raised in conjunction with the use of unbundled network elements to provide exchange access service. Based on publication of the Public Notice in the **Federal Register** (66 FR 8555) parties were required to file comments on March 5, 2001 and reply comments on March 19, 2001. On February 22, 2001, BellSouth, SBC, Qwest and Verizon (Movants) filed a motion to extend the dates for filing comments to April 5, 2001 and reply comments to April 30, 2001 in order to submit joint factual data and economic analysis addressing alternatives to incumbent facilities and the degree to which carriers are using those alternatives. They also state that an extension is necessary to account for substantial market developments over the last year, and that an extension will speed resolution of this proceeding by avoiding piecemeal submissions of data and arguments.

2. Although requests for extension of time are not routinely granted, in this instance, the Commission finds that the Movants have shown good cause for an extension of time in this proceeding. This matter shall continue to be treated as a ''permit-but disclose'' proceeding in accordance with the Commission's ex parte rules. All other requirements discussed in the January 24, 2001 Public Notice remain in effect.

Federal Communications Commission.

Michelle Carey,

Chief, Policy and Program Planning Division, Common Carrier Bureau.

[FR Doc. 01–5227 Filed 3–2–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[Docket No. 010220043–1043–01; I.D. 120400D]

RIN 0648–AN65

Foreign Fishing and Fisheries of the Northeastern United States; Proposed 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions

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

ACTION: Proposed 2001 specifications for the Atlantic herring fishery; request for comments.

SUMMARY: NMFS proposes specifications for the 2001 Atlantic herring fishery. The intent of the specifications is to conserve and manage the herring resource and provide for sustainable fisheries, and to comply with the provisions in the Fishery Management Plan for Atlantic Herring (FMP), which require annual specifications for the fishery.

DATES: Comments must be received no later than 5 p.m., Eastern Standard Time, on April 4, 2001.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment are available from Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/IRFA is accessible via the Internet at http:/www.nero.gov/ro/doc/nr.htm.

Written comments on the proposed specifications should be sent to the Regional Administrator at the above address. Mark on the outside of the envelope: ''Comments-2001 Herring Specifications.'' Send comments on any ambiguity or unnecessary complexity arising from the language used in these proposed specifications to the Regional Administrator. Comments may also be sent via facsimile (fax) to (978) 281–9371. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, (978) 281–9104, e-mail at M.A.Raizin@noaa.gov, fax at (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP appear at 50 CFR part 648, subpart K. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. The FMP requires the New England Fishery Management Council's (Council) Atlantic Herring Plan Development Team (PDT) to meet at least annually, no later than July each year, with the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Plan Review Team (PRT) to develop and recommend the following specifications for consideration by the Council's Atlantic Herring Oversight Committee: Allowable biological catch (ABC), optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), total foreign processing (JVPt), joint venture processing (JVP), internal waters processing (IWP), U.S. at-sea processing (USAP), border transfer (BT), total allowable level of foreign fishing

(TALFF), and reserve (if any). The PDT and PRT also recommend the total allowable catch (TAC) for each management area and sub-area identified in the FMP. As the basis for its recommendations, the PDT reviews available data pertaining to: Commercial and recreational catch; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling and trawl survey data or, if sea sampling data are unavailable, length frequency information from trawl surveys; impact of other fisheries on herring mortality; and any other relevant information. Recommended specifications are presented to the Council for adoption and recommendation to NMFS.

Proposed 2001 Specifications

The Council, at its August 2000 meeting, adopted recommendations for the 2001 specifications for the Atlantic herring fishery. Specifications approved for the 2000 fishery were published in the **Federal Register** on December 11, 2000 (65 FR 77450). In a notification action published in the same edition of the **Federal Register**, NMFS adjusted the 2000 annual specifications for JVP, IWP, USAP, and the TAC for Areas 1A and 1B. The adjusted specifications are contained in Table 1. Proposed specifications for the 2001 fishery are contained in Table 2. Changes from the 2000 specifications include increases in OY, DAH, TALFF, DAP, and the TAC reserve for Area 2, which are discussed in this preamble.

TABLE 1. 2000 ATLANTIC HERRING SPECIFICATIONS (ADJUSTED)

Specification	Amount (mt)
ABC	300,000
OY	224,000
DAH	224,000
TALFF	0
DAP	180,000
USAP	20,000
BT	4,000
JVPt	20,000
JVP– Area 2 and Area 3	10,000
IWP	10,000
Reserve	0
TAC –Area 1A	60,000
TAC– Area 1B	10,000
TAC– Area 2	50,000 (54,000 TAC reserve)
TAC– Area 3	50,000

TABLE 2. RECOMMENDED 2001 ATLANTIC HERRING SPECIFICATIONS

Specification	Amount (mt)
ABC	300,000
OY	250,000
DAH	245,000
TALFF	5,000
DAP	221,000
USAP	20,000
BT	4,000
JVPt	20,000
JVP– Area 2 and Area 3	10,000
IWP	10,000
Reserve	0
TAC– Area 1A	60,000
TAC– Area 1B	10,000
TAC – Area 2	50,000 (80, 000 TAC reserve)
TAC– Area 3	50,000

TALFF

The Council recommends the specification of 5,000 metric tons (mt) of TALFF for the 2001 fishery, because it concluded that a sufficiently large stock of herring exists in Areas 2 and 3 to allow directed foreign fishing. The Council recommended restricting fishing under a TALFF allocation to these areas. The Council recommended setting TALFF largely to enhance the probability that foreign vessels would engage in JVP, thus benefitting U.S. fishermen who have had difficulty in procuring markets for herring. TALFF would benefit foreign vessels fishing under a joint venture (JV) by ensuring a supply of herring for processing if domestic vessels are not able to supply herring due to bad weather.

The Council met in September 2000 and recommended conditions and restrictions for TALFF. Those recommendations include: A restriction on direct foreign fishing landward of 20 nautical miles from shore; a restriction limiting gear to midwater trawls; a condition that foreign vessels be allowed to harvest 25 percent of their TALFF allocation up front but, before release of additional TALFF, a foreign vessel must receive 25 percent of its JVP allocation or provide proof for why this was not possible; a restriction on direct mealing by the foreign vessel; a restriction on fishing in regulated multispecies closed areas; and a prohibition on foreign fishing in Area 1 (Gulf of Maine). These conditions and restrictions are intended to strictly control any foreign fishing for TALFF to the benefit of the domestic fishery and in conformance with the objectives of the FMP. NMFS would consider these recommendations prior to authorizing TALFF.

TAC Reserve for Area 2

The Council recommended an increase in the TAC reserve for Area 2 of 26,000 mt, which would increase the reserve to 80,000 mt. This results in 130,000 mt of available TAC in Area 2 (50,000 mt of TAC plus 80,000 mt of TAC reserve). It is unlikely that any portion of this reserve will be utilized, since the fishery has never harvested more than the TAC of 50,000 mt from Area 2. The Council's recommendation for the increase is intended to communicate to the industry that there is a significant opportunity for growth in the fishery without compromising the status of the resource.

ABC, OY, DAH, and DAP

The preferred ABC specification of 300,000 mt (661,200,000 lb) was chosen over an alternative that would have utilized an F_{Target} yielding over 1 million mt (2204 million lb) of ABC. The conservative approach in setting the ABC takes into account the uncertainty about current stock size, which may be overestimated, and addresses the need to retain stability in the year-to-year estimate of ABC in the event of a sudden shift in the terminal year estimate of biomass. In addition, recognizing that herring is a key forage resource for a number of recreational finfish species such as striped bass and bluefish, and possibly some species of cetaceans, it is critical that allowable catch levels be conservatively set. Harvest of the entire preferred ABC would allow the herring stock to increase although it is close to carrying capacity at present.

Recommended increases in OY, DAH, and DAP are a direct result of recommended increases in TALFF and TAC reserve in Area 2. The TAC reserve increase would increase both the amount harvested by U.S. vessels as DAH and the amount processed by U.S. industry as DAP. The difference between OY and DAH represents the amount recommended for TALFF. OY is recommended at 250,000 mt, well under the ABC of 300,000 mt.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Council and NMFS prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows:

A description of the reasons why action by the agency is being considered and the objectives of the proposed rule are explained in the preamble to this

rule and are not repeated here. This action does not contain any collection-of-information, reporting, or recordkeeping requirements. It will not duplicate, overlap, or conflict with any other Federal rules. This action is taken under authority of the Magnuson-Stevens Act and regulations at 50 CFR part 648.

All of the affected businesses (fishing vessels and dealers) qualify as small entities under the standards described in NMFS guidelines. There were 2,215 vessels, 6 known processors, and 72 known dealers participating in the fishery in 1999. The proposed increase in OY of 26,000 mt would provide additional opportunities for increased harvests. It cannot reasonably be expected to cause a significant increase in catch, however, given that vessels caught less than half the current OY in 1999. Therefore, the proposed increase in OY is not likely to result in any significant impact on the revenues of vessels, producer surplus or consumer surplus. Other alternatives considered and rejected, either ''no-action'' or increasing the allowable biological catch, would have a similar impact.

If foreign vessels avail themselves of the opportunity to harvest some or all of the TALFF, and those vessels are obligated to engage in JVs with U.S. fishing vessels, there would be a positive impact on the revenues of those U.S. vessels participating. Since the number of vessels that would be involved in the JVs and the specifics of the financial arrangements between the harvesters and foreign processor are not known, the per-vessel revenue impacts cannot be estimated. If the full amount of the JVP (10,000 mt) is harvested, revenues to the participating vessels would approximate $1.2 million, based on an average price of $120/mt. This would represent an increase in overall fleet revenues of 10–12 percent. While this represents a maximum dollar benefit, the net economic benefit would have to take into account opportunity costs in the form of revenues that could have been earned by delivering herring to shoreside processors, assuming that there is coincidental shoreside demand. In comparison, setting TALFF at 0 mt (the ''no-action'' alternative) would not provide as much incentive for foreign vessels to establish operations in the exclusive economic zone and would likely preclude the utilization of JVP, based on the activity in the fishery during the past 2 years. Alternatively, setting TALFF at a higher level, as considered by the Herring Committee, would have essentially the same economic impact as the proposed action because the economic benefits to the domestic fishery are realized through, and limited by, the utilization of the JVP specification (which is not changed), not the TALFF.

While a higher specification of TALFF may provide a greater incentive to foreign participants, there is no experience on which to base an estimate of this effect. The economic impact to shoreside processors from JVP (enhanced by a specification of TALFF) is uncertain. A reduction in supply to shoreside processors could result in an increase in the cost of herring to shoreside processors or bait dealers. Conversely, if domestic vessels concentrate on increasing supply of herring to shoreside processors, a decrease in cost could occur.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this proposed rule. Such comments should be sent to the Northeast Regional Administrator (see **ADDRESSES**).

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

Dated: February 26, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–5261 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 012401D]

Fisheries of the Northeastern United States; Supplemental Environmental Impact Statements (SEISs) for the Essential Fish Habitat (EFH) Components of the Northeast Multispecies Fishery Management Plan (FMP) and Atlantic Sea Scallop FMP

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

ACTION: Notification of intent to prepare an SEIS; request for comments; extension of the comment period.

SUMMARY: NMFS recently announced its intention to prepare SEISs in accordance with the National Environmental Policy Act of 1969 (NEPA) for the EFH components for both the Northeast Multispecies FMP and Atlantic Sea Scallop FMP. NMFS will accept written comments to determine the range of management alternatives to be addressed in the SEISs to describe and identify EFH, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. NMFS is extending the comment period for the submission of written comments to ensure opportunity for public comment.

DATES: Written comments on the intent to prepare the SEISs must be received on or before 5 p.m., local time, April 4, 2001.

ADDRESSES: Written comments on the intent to prepare the SEISs and requests for the scoping document or other information should be directed to the National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, Attn: Louis A. Chiarella. Telephone (978) 281–9277. Comments may also be sent via facsimile (fax) to (978) 281–9301. NMFS will not accept comments by e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Louis A. Chiarella, Essential Fish Habitat Coordinator, (Lou.Chiarella@noaa.gov), (978) 281–9277, fax (978) 281–9301.

SUPPLEMENTARY INFORMATION: On February 1, 2001 (66 FR 8568), NMFS published notification of its intention to prepare SEISs for the EFH components of the Northeast Multispecies FMP and Atlantic Sea Scallop FMP. See the February 1, 2001, **Federal Register** notification for background and scoping information related to the development of these SEISs. NMFS is extending the comment period so that written comments will now be accepted through April 4, 2001, rather than through March 5, 2001.

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

Dated: February 27, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–5258 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 43
Monday, March 5, 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.

DEPARTMENT OF AGRICULTURE

Forest Service

Opal Creek Scenic Recreation Area (SRA) Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Stayton, Oregon on Monday, March 19, 2001. The meeting is scheduled to begin at 6:00 p.m., and will conclude at approximately 8:30 p.m. The meeting will be held in the South Room of the Stayton Community Center located on 400 West Virginia Street in Stayton, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (Pub. L. 104–208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular basis on the management of the area. The tentative agenda will include refining issue statements and describing the desired future condition of the SRA.

The public comment period is tentatively scheduled to begin at 8:00 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the March 19 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Stephanie Phillips; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854–3366.

Darrel Kenops,
Forest Supervisor.

[FR Doc. 01–5229 Filed 3–2–01; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Meeting; Sunshine Act Notice

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, March 9, 2001, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda.
II. Approval of Minutes of February 16, 2001 Meeting.
III. Announcements.
IV. Staff Director's Report.
V. Project Planning.
VI. Status Report on Voting Rights Issues.
VII. State Advisory Committee Report:
- Reconciliation at a Crossroads: The Implications of Rice V. Cayetano on Programs for Native hawaiians (Hawaii);
- The Decision to Prosecute Drug Offense and Homicides in Marion County, Indiana (Indiana).

VIII. Future Agenda Items.

FOR FURTHER INFORMATION CONTACT: David Aronson, Press and Communications (202) 376–8312.

Edward A. Hailes, Jr.,
General Counsel.

[FR Doc. 01–5426 Filed 3–1–01; 2:24 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Implementation of Tariff Rate Quota Established Under Title V of the Trade and Development Act of 2000 for Imports of Certain Worsted Wool Fabric

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 4, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482–3272 or via the Internet at MClayton@doc.gov.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Sergio Botero, Trade Development, Room 3119, 14th & Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–4058 and fax number: (202) 482–0667.

SUPPLEMENTARY INFORMATION:

I. Abstract

Title V of the Trade and Development Act of 2000 (''the Act'') contains several provisions to assist the wool products industries. These include the establishment of tariff rate quotas (TRQ) for a limited quantity of worsted wool fabrics. The Act requires the President to fairly allocate the TRQ to persons who cut and sew men's and boys' worsted wool suits and suit like jackets and trousers in the United States, and who apply for an allocation based on the amount of suits they produce in the prior year. The Act further requires the President, on an annual basis, to consider requests from the manufacturers of the apparel products

listed above, to modify the limitation on the quantity of imports subject to the TRQ. The Act specifies factors to be considered in making determinations on such requests. The TRQ is effective for goods entered or withdrawn from warehouse for consumption, on or after January 1, 2001, and will remain in force through 2003. A TRQ allocation will be valid only in the year for which it is issued.

On December 1, 2000, the President issued Proclamation 7383 that, among other things, delegates authority to the Secretary of Commerce to allocate the TRQ; to consider, on an annual basis, requests to modify the limitation on the quantity of the TRQ and to recommend appropriate modifications to the President; and to issue regulations to implement these provisions. On January 22, 2001, the Department of Commerce published regulations establishing procedures for allocation of the tariff rate quotas (66 FR 6459, 15 CFR part 335) and for considering requests for modification of the limitations (66 FR 6459, 15 CFR part 340). The Department must collect certain information in order to fairly allocate the TRQ to eligible persons and to make informed recommendations to the President on whether or not to modify the limitation on the quantity of the TRQ. The Office of Management and Budget (OMB) has approved this information collection request (OMB Number 0625–0240) with an expiration date of July 31, 2001. This request for comment is for the proposed information collection after July 31, 2001.

II. Method of Collection

The information collection forms will be provided via the Internet and by mail to requesting firms.

III. Data

OMB Number: 0625–0240.

Form Number: ITA–4137P, ITA–4138P, ITA–4139, and ITA–4140P.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 35.

Estimated Time Per Response: 1–24 hours.

Estimated Total Annual Burden Hours: 1,222 hours.

Estimated Total Annual Costs: $207,275.

The estimated annual cost for this collection is $207,275 ($66,825 for respondents and $140,450 for federal government).

IV. Request for Comments

Comments are invited on (a) 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; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 27, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5157 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213(2000) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of March 2001, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceeding	
Bangladesh: Cotton Shop Towels, A–538–802	3/1/00–2/28/01
Canada: Iron Construction Castings, A–122–503	3/1/00–2/28/01
France: Brass Sheet & Strip, A–427–602	3/1/00–2/28/01
Germany: Brass Sheet & Strip, A–428–602	3/1/00–2/28/01
India: Sulfanilic Acid, A–533–806	3/1/00–2/28/01
Italy: Brass Sheet & Strip, A–475–601	3/1/00–2/28/01
Japan: Stainless Steel Butt-Weld Pipe Fittings, A–588–702	3/1/00–2/28/01
Spain: Stainless Steel Bar, A–469–805	3/1/00–2/28/01
Taiwan: Light-Walled Welded Rectangular Carbon Steel Tubing, A–583–803	3/1/00–2/28/01
Thailand: Circular Welded Carbon Steel Pipes & Tubes, A–549–502	3/1/00–2/28/01
The People's Republic of China:	
Chloropicrin, A–570–002	3/1/00–2/28/01
Glycine, A–570–836	3/1/00–2/28/01
Countervailing Duty Proceeding	
France: Brass Sheet and Strip, C–427–603	1/1/00–12/31/00
India: Sulfanilic Acid, C–533–807	1/1/00–12/31/00
Iran: In-Shell Pistachios Nuts, C–507–501	1/1/00–12/31/00

	Period
Pakistan: Cotton Shop Towels, C–535–001	1/1/00–12/31/00
Turkey: Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/00–12/31/00

Suspension Agreements

None.

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2001. If the Department does not receive, by the last day of March 2001, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 01–5280 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the Peoples Republic of China: Amended Final Results of New Shipper Administrative Review

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

ACTION: Notice of amended final results in the antidumping duty new shipper administrative review of glycine from the People's Republic of China.

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Rick Johnson, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3434 or (202) 482–3818, respectively.

Scope of the Review

The product covered by this review is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (''HTSUS''). This proceeding includes glycine of all purity levels. Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the scope of this review is dispositive.

Amendment of Final Results

On January 31, 2001, the Department of Commerce (the Department) published the final results of its new shipper administrative review on glycine from the People's Republic of China (66 FR 8383). This review covered Nantong Dongchang Chemical Industry Corp., a new shipper of the subject merchandise to the United States. The period of review (POR) is March 1, 1999 through August 31, 1999.

On February 2, 2001, we received a submission from Hampshire Chemical Corporation and Chattem Chemicals (collectively, ''Petitioners'') alleging a clerical error in the final results of this new shipper administrative review of the antidumping duty order on glycine from the People's Republic of China. Respondent submitted rebuttal comments on February 8, 2001. The allegation and rebuttal comments were filed in a timely fashion.

Comment 1: Petitioners allege that the Department committed a ministerial error in the final results of the new shipper review. Petitioners state that the Department used an incorrect factory overhead surrogate value that was derived from the financial statement of Daurala Organics Ltd. Petitioners claim that the Department used a 21.07 percent factory overhead surrogate value; however, the correct percentage is 21.70 percent.

Respondent argues that no clerical error has occurred and therefore, no recalculation of the final margin is necessary. Respondent asserts that under section 351.224(c) of the Department's regulations, comments concerning ministerial errors made in the preliminary results are to be included in an interested parties case brief. Respondent contends that petitioners' alleged error occurred during the preliminary stage of this review, and thus petitioners' comments are untimely according to Department regulations and no correction needs to be made to the factory overhead ratio.

Department's Position: After a review of petitioners' allegation, we agree with petitioners and have corrected our calculation worksheet to correct the factory overhead surrogate value. For the factory overhead ratio we used to correct this ministerial error, please see the *Memorandum from Robert A.*

Bolling to Edward Yang dated February 21, 2001, a public version of which is available in the Central Records Unit, Room B–099 of the Department of Commerce Building, 14th Street and Constitution Ave, NW., Washington, DC.

Amended Final Results of New Shipper Review

As a result of our review and the correction of the ministerial error described above, we have determined that the following margin exists:

GLYCINE

Producer/manufacturer/exporter	Weighted-average margin (percent)
Nantong Dongchang Chemical Industry Corp	18.60

The Department shall determine, and the U.S. Customs Service (''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. 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 assess the resulting percentage margin against the entered Customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period.

Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of the new shipper review for all shipments of glycine from the People's Republic of China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate shown above; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding but for whom a review was not requested for this POR will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity (i.e., all other exporters, which have not been reviewed) will continue to be 155.89 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter.

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 doubled antidumping duties.

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

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

Dated: February 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5279 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–835]

Oil Country Tubular Goods From Japan; 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 September 11, 2000, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Japan (65 FR 54838). The review covers one manufacturer. The period of review is August 1, 1998 through July 31, 1999.

We have not made changes to the preliminary margins. The final dumping margins for the reviewed firms, based on adverse facts available, are listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Samantha Denenberg, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–0666 and (202) 482–1386, 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. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On September 11, 2000, the Department published the preliminary results of administrative review of the antidumping duty order on OCTG from Japan (65 FR 54838). We invited parties to comment on our preliminary results of review. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The merchandise covered by this order consists of oil country tubular goods, hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7304.21.60.30, 7304.21.60.45, 7304.21.60.60, 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10,

7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is 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 Memo) from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Bernard T. Carreau, fulfilling the duties of Assistant Secretary for Import Administration, dated February 8, 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, located in room B–099 of the main Department of Commerce 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

We have not made any changes to the preliminary margins, which were based on adverse facts available.

Final Results of Review

We determine that the following percentage margins exist for the period August 1, 1998 through July 31, 1999:

Manufacturer/exporter	Margin (percent)
Hallmark Tubulars Ltd	44.20
Itochu Corp	44.20
Itochu Project Management Corp	44.20
Nippon Steel Corp	44.20

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries.

In addition, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of OCTG from Japan 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 companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis,* the Department shall require no deposit of estimated antidumping duties; (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 44.20 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 orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: February 8, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

Appendix—List of Issues

1. Existence of a Sale to an Unaffiliated Party for Exportation to the United States.
2. Application of North American Free Trade Agreement Provisions to Merchandise Imported under Temporary Import Bond (TIB).
3. Liquidation of Entries of Sumitomo Metal Industries' Unreviewed Sales.

[FR Doc. 01–5155 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–810]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Solid Agricultural Grade Ammonium Nitrate From Ukraine

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

ACTION: Notice of preliminary determination of sales at less than fair value.

SUMMARY: We preliminarily determine that solid agricultural grade ammonium nitrate from Ukraine is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended. The estimated dumping margin for J.S.C. ''Concern'' Stirol is 113.38 percent. The Ukraine-wide rate, which is applicable to all other producers/exporters, is 113.38 percent. We also preliminarily determine that critical circumstances exist.

Interested parties are invited to comment on this preliminary determination. If this investigation proceeds on the current schedule, we will make our final determination not later than 105 days after the date of publication of this preliminary determination in the **Federal Register**.

EFFECTIVE DATE: March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Melani Miller or Jarrod Goldfeder, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116 or (202) 482–0189, respectively.

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 (''the Department'') regulations are to the regulations at 19 CFR part 351 (April 2000).

SUPPLEMENTARY INFORMATION

Case History

Since the initiation of this investigation on November 8, 2000 (*see Initiation of Antidumping Duty Investigation: Solid Agricultural Grade Ammonium Nitrate from Ukraine,* 65 FR 66966 (November 8, 2000) (''*Notice of Initiation*'')), the following events have occurred:

In the *Notice of Initiation,* the Department invited parties to comment on the request made by the petitioner (the Committee for Fair Ammonium Nitrate Trade) for an expedited preliminary determination. On November 13, 2000, we received comments from J.S.C. ''Concern'' Stirol (''Stirol''), a Ukrainian producer/exporter of the subject merchandise; the petitioner; and ConAgra, Inc. (''ConAgra''), an interested party and importer of the subject merchandise. Based on our review of these comments and the original request from the petitioner, we announced our intention to issue our preliminary determination by February 23, 2001. *See* November 22, 2000 memorandum to the Acting Deputy Assistant Secretary ''Whether to Expedite the Preliminary Determination,'' which is on file in Import Administration's Central Records Unit (''CRU''), Room B–099 of the main Department of Commerce building.

On November 22, 2000, the Department issued an antidumping questionnaire to the Ukrainian Embassy in Washington, DC and requested that the Embassy forward the questionnaire to all Ukrainian producers/exporters of subject merchandise that sold to the United States during the period of investigation (''POI''). The Department also sent the antidumping questionnaire directly to the four producers/exporters named in the petition.[1]

Pursuant to the allegation of critical circumstances in the petition, the Department, in its November 22, 2000 questionnaire, also requested information regarding shipments of the subject merchandise to the United States for the period January 1998 through the most recent date for which data was available (including, at minimum, November 2000). We received this information from Stirol on December 6, 2000. At the Department's request, Stirol submitted revised shipment data on February 7, 2001. No other company provided the requested information. The petitioner provided supplemental information with respect to its critical circumstances allegation on February 13, 2001. The critical circumstances analysis for this preliminary determination is discussed below in the ''Critical Circumstances'' section.

Also on November 22, 2000, in response to a request by the petitioner to alter the POI, we issued a memorandum explaining our decision not to do so in this investigation. *See* November 22, 2000 memorandum to the Acting Deputy Assistant Secretary ''Time Period for the Period of Investigation'' (''*POI Memo*''), which is on file in the Department's CRU. This issue is discussed further in the ''Period of Investigation'' section, below.

On November 22, 2000, the Department also invited interested parties to comment on surrogate country selection and to provide publicly available information for valuing the factors of production. We received responses from the petitioner and Stirol on December 27, 2000. Both Stirol and the petitioner filed rebuttal comments on surrogate values on January 3, 2001. Stirol and the petitioner submitted further surrogate value information on February 13, February 15, February 16, February 20, and February 21, 2001.

On November 27, 2000, the United States International Trade Commission (''ITC'') notified the Department of its affirmative preliminary injury determination in this case.

On December 6, 2000, we received a response from Severodonetsk indicating that it did not make any shipments of the subject merchandise to the United States during the POI.

On December 27, 2000, and January 12, 2001, the Department received questionnaire responses for Sections A, C, and D from Stirol. We issued supplemental questionnaires to Stirol on January 10 and January 24, 2001, and received supplemental responses from Stirol on January 24 and February 7, 2001. We received comments on Stirol's responses from the petitioner on January 5 and January 19, 2001.

With regard to Cherkassy, we received an improperly filed Section A response on December 27, 2000. This response was resubmitted by Cherkassy on January 12, 2001. We received comments on Cherkassy's Section A response from the petitioner on January 22, 2001. We issued a Section A supplemental questionnaire to Cherkassy on January 24, 2001. Despite the Department's numerous attempts to contact Cherkassy and to allow Cherkassy to file its responses, Cherkassy neither submitted a response to the Section A supplemental questionnaire nor to Sections C and D of the questionnaire.

On January 3, 2001, we sent letters to Rivneazot and the Embassy of Ukraine informing them that, because we had not received any questionnaire responses from Rivneazot or from any other producer/exporter of the subject merchandise, we were assuming that, other than the companies already participating, no other companies (including Rivneazot) would be participating in this investigation. In response, on January 30, 2001, the Embassy of Ukraine notified us that Rivneazot did not make any shipments of the subject merchandise to the United States during the POI. We received no other response to these letters.

Finally, on February 13 and February 15, 2001, both the petitioner and Stirol provided comments and rebuttal comments on several issues related to the preliminary determination.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2) of the Act, on February 13, 2001, Stirol requested that in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 30 days. At the same time, Stirol requested that the Department extend by 30 days the application of the provisional measures prescribed under 19 CFR 351.210(e)(2). In accordance with 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting Stirol's request and are postponing the final determination until no later than 105 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

Scope of Investigation

For purposes of this investigation, the products covered are solid, fertilizer grade ammonium nitrate (''ammonium

[1] The four companies named in the petition were Stirol, Open Joint Stock Company ''AZOT'' Cherkassy (''Cherkassy''), J.S. Co. Rivneazot (''Rivneazot''), and Severodonetsk State Manufacturing Enterprise ''Azot Association'' (''Severodonetsk'').

nitrate'') products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and for purposes of the Customs Service, the written description of the merchandise under investigation is dispositive.

Period of Investigation

As noted above, the petitioner requested that the Department alter the normal POI called for in section 351.204(b)(1) of the Department's regulations to include the first quarter of 2000, either by defining the POI as the first and second quarters, or by expanding the POI to include the first, second, and third quarters. As explained in the *POI Memo,* we have not adopted the petitioner's suggested POI. Thus, the POI for this investigation corresponds to the two most recent fiscal quarters prior to the filing of the petition, *i.e.*, April 1, 2000 through September 30, 2000.

Nonmarket Economy Country and Market Oriented Industry Status

The Department has treated Ukraine as a nonmarket economy (''NME'') country in all past antidumping investigations. *See, e.g., Notice of Preliminary Determinations of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from Poland, Indonesia, and Ukraine,* 66 FR 8343 (January 30, 2001) and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Ukraine,* 62 FR 61754 (November 19, 1997) (*''CTL Plate from Ukraine''*). This NME designation remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act).

The respondents in this investigation have not requested a revocation of Ukraine's NME status. We have, therefore, preliminarily determined to continue to treat Ukraine as an NME.

Separate Rates

In an NME proceeding, the Department presumes that a single dumping margin is appropriate for all exporters unless a firm establishes that it is eligible for a separate rate. In this investigation, Stirol has requested that it be assigned a separate rate. Pursuant to this request, Stirol has provided the requested company-specific separate rates information and has stated that it is not subject to any element of governmental ownership or control. Although Cherkassy submitted information relating to separate rates, that information was incomplete.

The Department establishes whether each exporting entity is entitled to a separate rate based on its independence from government control over its exporting activities by applying a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as modified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994).

The Department's separate rate test is not concerned, in general, with macroeconomic/border-type controls, *e.g.,* export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. *See CTL Plate from Ukraine; Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 62 FR 61276 (November 17, 1997) (*''TRBs IX''*); and *Honey from the People's Republic of China: Preliminary Determination of Sales at Less than Fair Value,* 60 FR 14725, 14726 (March 20, 1995).

Under the separate rates test, the Department assigns a separate rate in an NME case only if an individual respondent can demonstrate the absence of both *de jure* and *de facto* governmental control over its export activities:

1. Absence of De Jure Control

The Department considers three factors which support, though do not require, a finding of *de jure* absence of governmental control. These factors include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies (*see, e.g., TRBs IX*).

Stirol has placed documents on the record that it claims demonstrate the absence of *de jure* governmental control, including the ''Law of Ukraine On Economic Associations,'' the ''Law of Ukrainian SSR On Foreign Economic Activities,'' and the ''Edict of the President of Ukraine On Improvement of the Currency Regulation.'' These laws, enacted by the Government of Ukraine, demonstrate a significant degree of deregulation of Ukrainian business activity, as well as deregulation of Ukrainian export activity.

Because the Government of Ukraine created a right of ownership of business enterprises for private persons and collectives, open joint-stock companies, such as Stirol, are now distinct legal entities. According to Stirol, through this ownership right, it has the right to freely engage in economic activity, negotiate and sign contracts, and independently develop business plans. It also may independently choose its managers.

In a prior case, *CTL Plate from Ukraine,* the Department analyzed Ukraine's laws and regulations, and found that they establish an absence of *de jure* control. We have no new information in this proceeding that would cause us to reconsider this determination. Moreover, although the Government of Ukraine does maintain export controls for certain categories of goods, Stirol states that the subject merchandise exported to the United States is not subject to any of these controls. Additionally, Stirol asserts that the subject merchandise does not appear on any government list regarding export provisions or licensing and that there are no export quotas applicable to the subject merchandise.

Accordingly, we preliminarily determine that there is an absence of *de jure* governmental control over Stirol's export pricing and marketing decisions.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether a respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by, or subject to the approval of, a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of its management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses (*see Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from the People's*

Republic of China, 63 FR 72255 (December 31, 1998)).

Stirol has asserted (and has provided supporting documentation) that it: (1) Establishes its own export prices; (2) negotiates contracts without guidance from any governmental entities or organizations; (3) makes its own personnel decisions with regard to the selection of management; and (4) retains the proceeds from export sales (although 50 percent of foreign currency earnings must be converted into Ukrainian currency) and uses profits according to its business needs without any restrictions. Additionally, Stirol has stated that it does not coordinate or consult with other exporters regarding its pricing. This information supports a preliminary finding that there is an absence of *de facto* governmental control of the export functions of Stirol.

Consequently, subject to verification, we preliminarily determine that Stirol has met the criteria for the application of separate rates. Also, because Cherkassy failed to provide the information needed to support its claim for a separate rate, we preliminarily determine that Cherkassy is subject to the Ukraine-wide rate, discussed below.

Ukraine-Wide Rate

Information on the record of this investigation indicates that Stirol, the only company that demonstrated its eligibility for a separate rate, did not account for all exports of subject merchandise to the United States from Ukraine during the POI. Therefore, because we presume that NME producers/exporters that are not eligible for a separate rate do not act independently from the government, we preliminarily determine that all Ukrainian producers/exporters of ammonium nitrate, other than Stirol, failed to respond to our questionnaire.

Section 776(a)(2) of the Act provides that ''if an interested party or any other person (A) withholds information that has been requested by the administering authority or the Commission under this title, (B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority and the Commission shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.'' Pursuant to section 782(e) of the Act, the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination, even if that information does not meet all the applicable requirements established by the Department, if all of the following requirements are met: (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.

Section 776(b) of the Act further provides that adverse inferences may be used when an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information. In this case, except for Stirol, any Ukrainian producers/exporters of subject merchandise that exported to the United States during the POI failed to act to the best of their ability by not providing a response to the Department's questionnaire. Thus, the Department has determined that, in selecting from among the facts otherwise available, an adverse inference is warranted.

It is the Department's practice to assign to respondents which do not provide a full response to the Department's antidumping questionnaire the higher of: (1) The highest margin stated in the notice of initiation; or (2) the highest margin calculated for any respondent in the investigation (*see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod from Japan,* 63 FR 40434 (July 29, 1998)). In this case, the highest margin on record is 257 percent, the rate from the petition as recalculated by the Department in the *Notice of Initiation.*

Section 776(c) of the Act provides that where the Department selects from among the facts otherwise available and relies on ''secondary information,'' such as the petition, the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 103–316 (1994) (SAA), states that ''corroborate'' means to determine that the information used has probative value. *See* SAA at 870.

In order to determine the probative value of the information used to calculate the Ukraine-wide rate, we examined evidence supporting the calculations in the petition. In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the export price (''EP'') and normal value (''NV'') calculations on which the petition margin calculations were based. The petitioner's methodology for calculating EP and NV is discussed in the *Notice of Initiation.* To corroborate the petitioner's EP calculations, we compared the U.S. sales prices in the petition to official U.S. government import statistics for the subject merchandise during the POI. To corroborate the petitioner's NV calculations, we compared the factor consumption rates for the most significant inputs reported in the petition to the factor consumption rates reported by Stirol, the only responding company in this investigation. Regarding the factor values, because the Department has preliminarily determined to use a different surrogate country than was used in the petition, we have substituted the factor values developed for this preliminary determination for those in the petition. In instances where a factor was reported in the petition for which we did not develop a surrogate value, we continued to use the value in the petition.

After making these changes, we found that the margin calculated for Stirol, 113.38 percent, is the highest margin on the record of this case.[2] Since this margin is a calculated margin in this investigation, this margin does not represent secondary information, and, thus, does not need to be corroborated. Thus, the Department has preliminarily determined the Ukraine-wide rate to be 113.38 percent. For the final determination, the Department will consider all margins on the record at that time for the purpose of determining the most appropriate margin based on adverse facts available.

Fair Value Comparisons

To determine whether sales of the subject merchandise by Stirol for export to the United States were made at less than fair value, we compared EP to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NVs.

[2] *See,* also, February 23, 2001, memorandum to the Deputy Assistant Secretary ''Preliminary Determination Adverse Facts Available Rate,'' which is on file in the Department's CRU.

Export Price

For Stirol, we used EP methodology in accordance with section 772(a) of the Act because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation, and constructed export price (''CEP'') methodology was not otherwise appropriate. We calculated EP based on FOB Ukrainian port prices. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of export and foreign brokerage and handling expenses. Because the domestic inland freight and brokerage and handling expenses were paid in a nonmarket economy currency, we based these charges on surrogate values from Indonesia. (*See* ''Normal Value'' section below for further discussion.)

Normal Value

1. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) Are at a level of economic development comparable to that of the NME, and (2) are significant producers of comparable merchandise. Regarding the first criterion, the Department has determined that Pakistan, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to Ukraine in terms of overall economic development (*see* memorandum from Jeff May, Director, Office of Policy, to Susan Kuhbach, Office Director, AD/CVD Enforcement, Office 1, dated November 14, 2000 (''*Surrogate Country Memorandum*'')). The petitioner has alleged that India is also economically comparable to Ukraine based on a comparison of per capita GNP in 1998 and 1999.

Regarding the second criterion (related to significant production of comparable merchandise), Stirol has argued that, among the countries that are economically comparable to Ukraine, Indonesia and Egypt are significant producers of merchandise comparable to ammonium nitrate. The petitioner has alleged that India, Indonesia, and Pakistan are significant producers of comparable merchandise.

The petitioner argues that the Department should depart from the *Surrogate Country Memorandum,* as it has done in past cases, and select India as the appropriate surrogate country in this investigation. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Romania,* 65 FR 39125 (June 23, 2000) (determining that, although not included in the original Office of Policy surrogate country memorandum, Indonesia was the most appropriate surrogate country for Romania because Indonesia was a significant producer of merchandise comparable to the subject merchandise and, contrary to other potential surrogate countries, provided reliable surrogate values for virtually all factors of production) (''*Pipe from Romania*''). While conceding that Indonesia is a suitable surrogate country, the petitioner claims that India is a more appropriate surrogate because, in addition to satisfying the two statutory criteria, India has the most complete and reliable set of publicly available information among possible surrogate countries. Moreover, the petitioner asserts that India is a more significant producer of comparable merchandise than Indonesia. Finally, the petitioner was able to obtain the financial statements of an Indian producer of ammonium nitrate to use in valuing selling, general, and administrative expenses (''SG&A''), profit, and overhead expenses, whereas the Indonesian data obtained by the petitioner pertained to a urea producer.

Stirol argues that Indonesia and Egypt are suitable surrogate countries as both satisfy the statutory criteria. For Indonesia, Stirol was able to obtain contemporaneous and reliable surrogate data, including official Indonesian import statistics for valuing all raw material inputs and audited financial reports from Indonesia producers of identical and comparable merchandise for purposes of calculating overhead, SG&A, and profit. Stirol was not able to obtain data for Egypt.

Stirol objects to the use of India as a surrogate country, asserting that India is not economically comparable to Ukraine. Although the two countries are similar in terms of per capita GDP, Stirol argues that, according to *The World Factbook 2000,* India is not comparable to Ukraine in terms of overall economic development. *See Pipe from Romania,* 65 FR at 39125 (noting that Indonesia was included among the countries that are economically comparable to Romania because Indonesia's GNP per capita *and overall economic development* were similar to the countries listed in the Office of Policy surrogate country memorandum). Finally, Stirol argues that the public data available for India is neither reliable nor contemporaneous with the POI.

For purposes of the preliminary determination, we have used Indonesia as our surrogate. As noted in the *Surrogate Country Memorandum,* Indonesia is economically comparable to Ukraine. Indonesia is also a significant producer of merchandise similar to the merchandise under investigation. Although the Department has the authority to select a country that is not included in the *Surrogate Country Memorandum,* there should be a good reason to do so. In this case, Indonesia was identified in the *Surrogate Country Memorandum* as being economically comparable to Ukraine. Indonesia is also a significant producer of comparable merchandise. Moreover, there is sufficient publicly available information on Indonesian values. Accordingly, we have calculated normal value using publicly available information from Indonesia to value Stirol's factors of production, except where noted below.

2. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on the factors of production reported by Stirol using Indonesian values, except where noted below.

In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. For those values not contemporaneous with the POI, unless otherwise noted below, we adjusted for inflation using price indices published in the International Monetary Fund's *International Financial Statistics.* As appropriate, we adjusted input values to make them delivered prices.

For a detailed analysis of surrogate values, see the memorandum from the Team to the File, dated February 23, 2001, ''Valuation of factors of production for the preliminary determination,'' which is on file in the Department's CRU.

Natural Gas: For purposes of valuing natural gas as both a material input and energy input, we used publicly available natural gas data for Indonesia for 1998 derived from the Second Quarter 2000 *Energy Prices & Taxes,* which is published by the International Energy Agency of the OECD (''*Energy Prices & Taxes*''). To inflate the 1998 *Energy Prices and Taxes* natural gas value to the POI, we used a regional inflation index specific to the energy sector.

Auxiliary Materials and Catalysts: With the exception of denatured alcohol, belting, and materials purchased from a market economy country and paid for in a market economy currency, we valued all of the other material inputs and catalysts using Indonesian import statistics obtained

from the Indonesian Bureau of Statistics. For denatured alcohol, because we found the Indonesian import statistics to be unreliable, we valued these inputs using Indian import statistics. To value belting, we used an Indian price quote from a published news article. For materials purchased from market economy suppliers that were paid for in market economy currency (*i.e.,* lilamine, potassium hydroxide, and ukon), we used the actual purchase prices paid by Stirol during the POI.

Labor: We valued labor using the method described in 19 CFR 351.408(c)(3).

Energy: To value electricity, we used the 1997 electricity rates reported in *Energy Prices and Taxes.*

Inland Freight Rates: To value truck freight, we used a August 1999 rate quote from an Indonesian trucking company. With regard to rail freight, we used a February 2001 rail rate from an Indonesian rail company obtained by the Department from the American Embassy in Jakarta, Indonesia.

Brokerage and Handling: We valued brokerage and handling using publicly available February 2001 price quotes from an Indonesian freight forwarder that provides both import-and export-related cargo services.

Factory Overhead, SG&A, and Profit: We derived ratios for factory overhead, SG&A, and profit using the 1999 annual report of one Indonesian producer of a product similar to the subject merchandise.

Critical Circumstances

The petitioner has alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of ammonium nitrate from Ukraine.[3] The petitioner submitted information supplementing its allegation on February 13, 2001.

According to section 733(e) of the Act, the Department may make a critical circumstances determination at any time after initiation of an investigation, including prior to a preliminary determination of dumping, assuming adequate evidence of critical circumstances is available. The Department's policy bulletin No. 98.4 of October 15, 1998,[4] provides further guidance on this section of the Act, stating that, if the facts of a case show that importers, exporters, or producers had knowledge that a case was likely to be filed, and the other statutory and regulatory criteria are met, the Department should issue its preliminary finding on critical circumstances before the preliminary determination, and as soon as possible after the initiation.

While the petitioner did include arguments and evidence relating to critical circumstances in the petition, the petitioner did not provide at that time evidence that importers, exporters, or producers of ammonium nitrate had early knowledge of the case. This evidence was only provided on February 13, 2001. Thus, there was not sufficient information on the record for the Department to make an early preliminary critical circumstances determination. Therefore, we are making our preliminary critical circumstances determination in conjunction with this preliminary less than fair value determination.

Section 733(e)(1) of the Act provides that the Department will determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

With respect to the first criterion, there is currently an antidumping duty order on ammonium nitrate from Ukraine in the European Community (''EC''). The existence of an antidumping duty order in the EC on ammonium nitrate from Ukraine is sufficient evidence of a history of injurious dumping. Accordingly, there is no need to examine importer knowledge.

In addressing the second criterion, *i.e.,* whether there are ''massive imports'' over a ''relatively short time period,'' the Department ordinarily bases its analysis on import data for at least the three months preceding (the ''base period'') and following (the ''comparison period'') the filing of the petition. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period. Section 351.206(i) of the Department's regulations also provides, however, that if the Department finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a base and comparison period of not less than three months from that earlier time.

In this case, the petitioner has argued that importers, exporters, or producers of ammonium nitrate had reason to believe that an antidumping proceeding was likely as early as January 2000, well before the filing of the petition, based on the increase in imports of ammonium nitrate from Ukraine and the corresponding decrease in ammonium nitrate imports from Russia following the January 2000 preliminary determination in the investigation of ammonium nitrate from Russia. *See Notice of Preliminary Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation,* 65 FR 1139 (January 7, 2000) and *Notice of Final Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation,* 65 FR 42669 (July 11, 2000) (''*Ammonium Nitrate from Russia*''). Thus, the petitioner contends that, as a result of the shift of imports of ammonium nitrate from Russia to Ukraine, importers, exporters, or producers of ammonium nitrate would have been aware that an investigation of ammonium nitrate from Ukraine would likely be forthcoming. Alternately, the petitioner argues that two press reports relating to *Ammonium Nitrate from Russia* published in May and August 2000 in *Green Markets,* a fertilizer industry publication, are sufficient evidence to impute knowledge that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely.

In order to determine whether the facts of this case showed that importers, exporters, or producers had advance knowledge that a case was likely to be filed, we examined whether conditions in the industry or published reports and statements provided a basis for inferring knowledge that an antidumping investigation of ammonium nitrate from Ukraine was likely. As noted above, the petitioner provided two articles relating to the *Ammonium Nitrate from Russia* investigation from May and August 2000. The May 2000 article did not specifically mention imports of ammonium nitrate from Ukraine; however, the August 2000 article did

[3] For a further discussion of the Department's critical circumstances analysis, *see* February 23, 2001, memorandum to the Deputy Assistant Secretary ''Critical Circumstances Preliminary Determination: Massive Imports,'' which is on file in the Department's CRU.

[4] *See* Department October 15, 1998 Policy Bulletin No. 98.4, ''Timing of Issuance of Critical Circumstances Determinations'' (''policy bulletin''), which can be found on the Department's web page at *http://ia.ita.doc.gov.*

state that the U.S. industry was closely monitoring imports of this product from Ukraine. The petitioner did not provide any published reports or information indicating that knowledge of a possible antidumping investigation of ammonium nitrate from Ukraine was publicly available as of January 2000. We did a search of Lexis-Nexis and the Internet to see if there were any other articles or information pertaining to ammonium nitrate from Ukraine. Our research revealed nothing prior to the August 2000 report.

Therefore, we find no evidence that importers, or exporters or producers, had reason to believe that a proceeding on ammonium nitrate from Ukraine was likely as of January or May 2000. However, we find that the press report in August 2000 was sufficient to establish that, by early August 2000, importers, exporters, or producers knew, or should have known, that a proceeding was likely. Accordingly, it is appropriate to utilize a comparison period starting in August 2000. Therefore, to determine whether imports of subject merchandise have been massive over a relatively short period, we compared shipment data for Stirol and all other Ukrainian importers covered by the Ukraine-wide rate during the comparison period, August 2000 through November 2000, to shipments during the base period, April 2000 to July 2000.

Based on our analysis of the data from the above base and comparison periods, we found that shipments made by both Stirol and all other Ukrainian producer/exporters during the POI increased by more than 15%.

Because of the alleged seasonality of ammonium nitrate shipments (*see Ammonium Nitrate from Russia*), we examined whether this observed increase was due to a seasonal surge. We compared the reported shipment data for Stirol and the data for all other Ukrainian producers/exporters to relevant historical data on all ammonium nitrate shipments to the United States (with the exception of imports from Russia and Ukraine). We used total imports in to the United States of ammonium nitrate to test for seasonality rather than historical shipment patterns by Ukrainian producers/exporters because Ukraine only recently entered the U.S. market. Hence, historical data for Ukraine was not available.

We compared the percent change from the base to the comparison period to the historical percent change of all sales of ammonium nitrate made to the United States for the same base and comparison periods from 1996 through 1999, excluding data from Ukraine and Russia. This data shows that, during these same base and comparison periods in the years from 1996 through 1999, there was a small percentage increase relative to the increase in shipments for Stirol and all other Ukrainian producers/exporters in 2000. Thus, the increase in shipments by Stirol and all other Ukrainian producers/exporters does not appear to be explained by seasonality of shipments.

Therefore, we preliminarily determine that the increases in imports for Stirol and all other Ukrainian producers/exporters were massive over a relatively short period. Having met both requirements for an affirmative determination of critical circumstances, we preliminarily determine that critical circumstances exist for both Stirol and the Ukraine-wide entity. We will make a final determination concerning critical circumstances when we make our final determination of this investigation.

Verification

As provided in section 782(i) of the Act, we will verify all information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise from Ukraine entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. In addition, we are directing Customs to suspend liquidation of any unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date on which this notice is published in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP or CEP, as appropriate, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage
J.S.C. ''Concern'' Stirol	113.38
Ukraine-wide rate	113.38

The Ukraine-wide rate applies to all entries of the subject merchandise except for entries from exporters/factories that are identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 150 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in six copies must be submitted to the Assistant Secretary for Import Administration no later than April 20, 2001, and rebuttal briefs no later than April 25, 2001. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on April 27, 2001, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination not later than 105 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(d) and 777(i)(1) of the Act. Richard W. Moreland is temporarily fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 23, 2001.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5156 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Rensselaer Polytechnic Institute; Notice of Decision on Application for Duty-Free Entry of Electron Microscope

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–039. *Applicant:* Rensselaer Polytechnic Institute, Troy, NY 12180–3590. *Instrument:* Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 66 FR 7626, January 24, 2001. *Order Date:* December 13, 1999.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, was being manufactured in the United States at the time the instrument was ordered. Reasons: The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of the instrument.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–5281 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Channel Islands National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Channel Islands National Marine Sanctuary (CINMS or Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (Council): Research member; Education member; and Fishing alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve three-year terms, pursuant to the Council's Charter.

DATES: Applications are due by March 10, 2001.

ADDRESSES: Application kits may be obtained from Michael Murray at 115 Harbor Way, Suite 150, Santa Barbara, CA 96825. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Michael Murray at (805) 884–1464, or michael.murray@noaa.gov, or visit the CINMS web site at: www.cinms.nos.noaa.gov.

SUPPLEMENTARY INFORMATION: The CINMS Advisory Council was originally established in December 1998 and has a broad representation consisting of 20 members, including ten government agency representatives and ten members from the general public. The Council functions in an advisory capacity to the Sanctuary Manager. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the goals of the Sanctuary program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) Identifying and realizing the Sanctuary's research objectives; (3) Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. Section 1431 et seq.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 27, 2001.

Margaret A. Davidson,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–5287 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.022601C]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: The Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes submitted a jointly developed Resource Management Plan (RMP) pursuant to the protective regulations promulgated for Puget Sound chinook salmon under section 4(d) of the Endangered Species Act (ESA). The RMP specifies the future management of commercial, recreational and tribal salmon fisheries potentially affecting listed Puget Sound chinook salmon. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the RMP addresses the criteria in the ESA.

DATES: Written comments on the Secretary's proposed evaluation must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on March 26, 2001.

ADDRESSES: Written comments and requests for copies of the evaluation should be addressed to Susan Bishop, Sustainable Fisheries Division, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, Washington 98115–0070. Comments may also be sent via fax to 206/526–6736. The document is also available on the Internet at *http://www.nwr.noaa.gov/*, Sustainable Fisheries Division site. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Susan Bishop at phone number: 206/526–4587, or e-mail: *susan.bishop@noaa.gov* regarding the RMP.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU).

Background

The Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes have provided a jointly

developed RMP for Puget Sound chinook. The RMP encompasses fisheries within the range of the Puget Sound chinook salmon ESU, as well as the western Strait of Juan de Fuca, which is not within the ESU. Harvest objectives specified in the RMP account for fisheries-related mortality throughout the migratory range of Puget Sound chinook from Oregon and Washington to Southeast Alaska. The RMP also includes implementation, monitoring and evaluation procedures designed to ensure fisheries are consistent with these objectives.

As required by § 223.203 (b)(6) of the ESA 4(d) rule, the Secretary must determine pursuant to 50 CFR 223.209 and pursuant to the government to government processes therein whether the RMP for Puget Sound chinook would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook and other affected threatened ESUs. The Secretary must take comments on how the RMP addresses the criteria in § 223.203(b)(4) in making that determination.

Authority

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a RMP developed jointly by the State of Washington and the Tribes (joint plan) and determined by the Secretary to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000).

Dated: February 27, 2001.

Phil Williams,

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

[FR Doc. 01–5259 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021601B]

Fisheries of the Exclusive Economic Zone off Alaska; Prohibited Species Donation Progran

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

ACTION: Authorization and Renewal.

SUMMARY: NMFS announces the renewal of Northwest Food Strategies' (NFS) authorization to donate Pacific halibut to economically disadvantaged individuals under the Prohibited Species Donation (PSD) program. This action is necessary to comply with provisions of the PSD program implemented at 50 CFR part 679.

DATES: January 1, 2001, through December 31, 2003.

ADDRESSES: Copies of the PSD Permit may be obtained from the Sustainable Fisheries Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–21668, Attn: Lori Gravel. Copies of Amendments 50 to the groundfish FMPs and of the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the amendments may be obtained from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99510–2252.

FOR FURTHER INFORMATION CONTACT: Nina Mollett, 907–586–7462.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and Bering Sea and Aleutian Islands Management Area are managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679. Fishing for Pacific halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea and by regulations adopted by the International Pacific Halibut Commission and approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (16 U.S.C. 773–773k).

Amendments 50/50 to the FMPs, which authorize the PSD program, were published in the **Federal Register** on June 12, 1998 (63 FR 32144). These amendments expanded the existing Salmon Donation Program by creating a program that includes Pacific halibut as well. The regulations authorize the voluntary distribution of Pacific halibut, taken incidentally in groundfish trawl fisheries off Alaska and landed at shoreside processing plants, to needy individuals by tax-exempt organizations, through an authorized distributor.

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) selected NFS, 600 Erickson Avenue, Suite 395, Bainbridge Island, WA 98110 to be an authorized distributor, as defined by 50 CFR 679.2, based on information submitted by NFS as required under § 679.26. The selection was announced in the **Federal Register** (63 FR 43380, August 13, 1998) and a permit was issued to NFS. A PSD permit issued to an authorized distributor may be renewed following application procedures at § 679.26(b).

The PSD program was scheduled to expire on December 31, 2000. This sunset provision was established to allow time for agency evaluation before Council action was taken to make it a permanent program. Following evaluation, NMFS permanently extended the PSD program on January 1, 2001 (65 FR 78119, December 14, 2000).

NFS had been authorized to distribute Pacific halibut under the PSD program from August 13, 1998, through December 31. 2000. During this period, NFS effectively coordinated the distribution of prohibited halibut bycatch for 3 years. NFS employed an independent seafood laboratory to ensure product quality and received support from cold storage facilities and common carriers servicing the areas where Pacific halibut donation would take place. The company worked with three shoreside processors located in Dutch Harbor, AK. Approximately 6 to 10 metric tons were landed and donated annually. NFS anticipates that this amount could increase.

NFS has submitted an application to renew its status as an authorized distributor. NMFS has reviewed NFS' application, and, on the basis of information submitted in the application, selects NFS as an authorized distributor. This document

announces NFS' selection and the renewal of NFS' permit through December 31, 2003.

The PSD permit may not be transferred and will be in effect for a 3-year period unless suspended or revoked. Suspension, modification, or revocation could occur under 15 CFR part 904, for noncompliance with terms and conditions specified in the permit or for a violation of this section or other regulations in 50 CFR part 679.

Classification

This action is taken under 50 CFR 679.26.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: February 27, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–5263 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990125030–1039–02]

RIN 0648–ZA56

National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals

AGENCY: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) is entertaining grant proposals to participate in innovative research, outreach and demonstration in two separate competitions: one to continue the National Oyster Disease Research Program (ODRP) and one to continue the Gulf Oyster Industry Program (GOIP). Approximately $1.85 million is available for the Oyster Disease Research Program and $.9 million for the Gulf Oyster Program in FY–2001 and a similar amount is expected for FY–2002. Therefore, two year proposals are being accepted. The National Oyster Disease Research Program focuses on diseases that are impacting the oyster populations of the US and the Gulf Oyster Industry Program focuses on the oyster industry problems of the Gulf Coast with special emphasis on the human health considerations within that industry.

DATES: Preliminary proposals must be received at the individual state Sea Grant Programs by 5:00 p.m. (local time) on April 4, 2001 and at the National Sea Grant Office by 5:00 pm (EST) April 9, 2001. After evaluation at the National Sea Grant Office (NSGO), some proposers will be encouraged to prepare full proposals, and those comments will be made available by April 23, 2001. Full proposals must be received at individual Sea Grant Programs by 5:00 p.m. (local time), May 28, 2001 and copies to the National Sea Grant Office by 5:00 pm (EDT) May 31, 2001. Written peer reviews from state Sea Grant programs must be at the National Sea Grant Office by 5:00 pm (EDT) on July 11, 2001. It is anticipated that full proposal funding decisions will be made by July 20, 2001. State Program Directors should allow enough time in their process to pass the proposals and other materials to the National Sea Grant Office by the dates indicated above. Please see list of state program addresses and phone numbers below.

ADDRESSES: For those applicants living in Sea Grant States, the preliminary proposals and full proposals must go to state Sea Grant programs at the addresses obtainable at the web address below. If the applicant is not from a Sea Grant state they should submit directly to: National Sea Grant College Program, R/SG, Attn: Oyster Disease and Gulf Oyster Industry Competition, Room 11838, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, by the dates listed for submission to the National Sea Grant Office.

Electronic Addresses:

Sea Grant Directors—
http://www.nsgo.seagrant.org/SGDirectors.html;

Sea Grant Forms—
www.nsgo.seagrant.org/research/rfp/index.html#3

FOR FURTHER INFORMATION CONTACT: James P. McVey, Program Director for Aquaculture, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2451, facsimile 301–713–0799, e-mail-Jim.McVey@NOAA.gov.

SUPPLEMENTARY INFORMATION:

I. Program Authority

33 U.S.C. 1121 et seq.
Catalog of Federal Assistance Numbers: 11.417. Sea Grant Support.

II. Program Description

Background

National Oyster Disease Research Program: For more than two decades, oyster populations in the Chesapeake Bay and mid-Atlantic area have been increasingly battered by Dermo and MSX, two parasitic diseases for which there is no known remedy. In the Northeast, a new and as yet unidentified pathogen, called Juvenile Oyster Disease (JOD), has been taking a toll in hatcheries. On the West Coast, the Pacific Oyster has been subjected to puzzling summer mortalities.

The continuing decline of oyster stocks has been a catalyst for federal support of the Oyster Disease Research Program, a far-reaching effort by the National Oceanic and Atmospheric Administration to support innovative research that will lead to improved techniques for combating oyster disease. The Program began in 1990 with oversight by the NOAA National Marine Fisheries Service and its Chesapeake Bay Office, and is now administered by the National Sea Grant College Program.

The Oyster Disease Research Program is supporting efforts to reduce the impacts of oyster disease on oyster populations through a competitive research program coupled with outreach and management efforts. The ODRP is committed to the restoration of healthy populations of oysters in the nation's coastal waters.

Gulf Oyster Industry Program: The Gulf Oyster Industry Program is a long term, research-based program aimed at assisting the oyster industry in states adjoining the Gulf of Mexico to achieve full economic recovery and sustainable oyster production. This program will foster the participation of highly qualified academic researchers with industry and management agency personnel in an organized, comprehensive search for practical solutions to the most pressing problems of the Gulf oyster industry, including those relating to Vibrio vulnificus, a human pathogen, and other human health risks associated with raw molluscan shellfish.

Funding Availability and Priorities

Approximately $1.85 million in FY–2001 funding is available for the Oyster Disease competition and approximately $900,000 is available for the Gulf Oyster Industry competition. A similar amount is expected but not assured for both competitions in FY–2002, therefore, two-year projects will be considered. Funding will be on an annual basis, with grant renewal depending upon satisfactory demonstration of progress and availability of funds. Any two-year grant awards that are funded annually must have scopes of work that can be easily separated into annual increments of meaningful work that represents solid accomplishments if prospective funding is not made available to the applicant

(i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

The National Sea Grant College Program encourages proposals that address one of the following two program areas:

(1) National Oyster Disease Research Program (ODRP)

The official vision statement for the program is ''to provide, through a coordinated research and outreach program, the technological basis for overcoming diseases which currently limit oyster production in the United States.'' Even though ODRP emphasis is on diseases associated with the American oyster, proposals addressing disease problems of other oyster species will be considered as long as they relate to the priorities identified below.

In response to the progress reports and discussions that took place at the International Shellfish Restoration Conference, 16–18 November, 2000, this announcement will encourage partnerships for the transfer of basic research findings and new technology to the industry and to State shellfish managers where opportunity exists. Even though this announcement is encouraging projects of this type, Sea Grant recognizes that some of the best work being done on oyster disease involves basic research, which may not be ready for application, but which still contributes to a greater understanding of the fundamental nature of oyster diseases. Sea Grant will continue to support this basic research, while providing opportunity for those researchers that have already developed useful applications to receive consideration in the proposal process.

Primary consideration for funding will be given to proposals which address the specific priorities listed below. These priorities, originally determined at a national workshop in January, 1995 and further refined at the Oyster Disease Research Program session during the International Shellfish Restoration Conferences in 1996 and 2000, are not listed in any implied order of importance.

(1) Design, apply and evaluate disease management strategies for enhanced natural and aquaculture production and prediction (i.e. advanced forecasting)—there are many issues related to establishment of oyster sanctuaries, commercial oyster beds, oyster aquaculture, remote setting, use of natural seed, bottom cleaning before setting, cultch type, etc. which should be addressed as related to the impacts of disease. Activities that involve private sector, state restoration programs and extension/outreach in the implementation of research results and field trials using diagnostic methods, and other disease related technology and information for improved oyster disease management or oyster culture are appropriate under this priority.

(2) Parasite life cycles and the dynamics and mechanisms of transmission—investigations of selected aspects of the life cycles of oyster pathogens, especially MSX and *Perkinsus,* and the dynamics/mechanisms of disease transmission among host organisms.

(3) Host-parasite interactions—investigations which: determine how pathogens avoid host defense mechanisms, biochemically characterize *Perkinsus* strains, determine factors which confer virulence to *Perkinsus* strains, determine mechanisms of infection/entry into the host, or compare disease processes in oyster species are being sought.

(4) Mechanisms of disease resistance—continued emphasis is placed on studies concerning cellular/molecular mechanisms of disease infection and resistance in Crassostrea spp. and studies which determine the mechanisms of immune response in oysters. In addition, analysis of host defense factors, the development of molecular markers of disease and stress resistance, the development of immuno-stimulants, the application of chemo-therapeutics, and the identification of pathogen virulence and resistance mechanisms are needed; as are studies comparing resistance among diploid and polyploid oysters.

(5) Development and application of diagnostic methods for all oyster diseases—investigations which lead to the development and application of molecular techniques for disease diagnosis, and those which develop rapid field diagnostic methods are high priority. This program has already developed many diagnostic techniques for several disease organisms and new proposals will be expected to show a significant improvement over the techniques already developed.

(6) Environmental influences on disease processes—proposals which address the influence of biotic and abiotic factors upon host-parasite interactions are high priority. Also included are studies of the effects of eutrophication and other stresses upon disease dynamics, basic physiological and adaptation processes in both hosts and parasites, the mechanisms of the summer kill phenomenon, relationships between disease progression and climate, and the eco-physiology of *Perkinsus.*

Taxonomy, phylogeny and population studies of both hosts and parasites—emphasis continues on studies of variations in population susceptibility, host resistance and pathogen virulence. Also needed are investigations of the genetic structure of both hosts and parasites.

(8) Development and application of selective breeding strategies—We are seeking studies which develop molecular/biochemical markers for breeding resistance into oysters, as well as genome analysis and gene transfer techniques related to disease resistance. Evaluation of non-native oyster species genomes with regard to disease resistance under aquaculture conditions will also be considered.

(9) Development and testing of geographic and mathematical models to improve understanding of disease dynamics—A basic model now exists and new work in this area must clearly state how additional investment will take us to an even better level of prediction or disease management.

(2) Gulf Oyster Industry Program

The Gulf Oyster Industry Program was created as a result of information provided by Gulf oyster industry leaders, state resource managers, and academic researchers spanning the five-state Gulf region. Specific needs identified by these individuals were subsumed into 12 concise issue statements as a result of a workshop held in New Orleans, Louisiana in 1997 and reaffirmed in 2000. This list of research and extension needs and proposed responses was presented to a select Industry Advisory Panel at the Gulf Oyster Industry Program Workshop conducted in New Orleans, La., on February 28, 1998, and again in 2000 and the group was asked to establish research priorities based on that framework. Through an ensuing discussion, the high-priorities were delineated as shown below:

(1) At-Risk Consumer Education and Evaluation—This RFP seeks proposals that will develop, implement and/or evaluate a *Vibrio vulnificus* Education Program, including, but not limited to: at-risk consumer foundations and associations, pharmacies, alcohol treatment centers, wound infection issues, media relations, and public perceptions.

(2) Human Pathogenic Organisms—Raw oysters have the potential to cause human illness due to the presence of naturally occurring opportunistic pathogens (e.g., *Vibrio vulnificus*), naturally occurring pathogens that

become a concern only when present at elevated levels (e.g., *Vibrio cholrea* or *Vibrio parahaemolyticus*), and which pathogens are related to contaminated growing areas (e.g., Norwalk and Norwalk-like viruses, *Salmonella* sp. and *Shigella*). This potential has created a perception that consumption of raw oysters places a large number of people at risk of contracting illnesses from opportunistic bacteria, toxins, and viruses. This RFP also seeks proposals that will develop new means of treating shell stock to eliminate human pathogens, and, develop or investigate new technology, such as ionized water, for depurating oysters of human pathogens.

(3) Post-Harvest Treatment (PHT) Process Evaluation and Education—This RFP seeks proposals that will develop and evaluate PHT demonstration projects, including, but not limited to, providing PHT product in demonstration projects to wholesalers & retailers, and, conducting economic analyses regarding the changes to current handling and processing practices.

(4) Consumer Attitudes and Preferences—The oyster industry and regulators lack knowledge concerning the attitudes, preferences, and other characteristics of potential oyster consumers. Learning about consumers' attitudes and preferences will help increase demand for new PHT and traditional oyster products. This RFP seeks proposals that will determine oyster consumer demographics, consumption patterns, attitudes and preferences, develop media-relations protocol for the oyster industry, conduct media-relations workshops for the Gulf oyster industry to improve communication skills, develop media-relations protocol or decision tree for researchers and state regulatory personnel, and, determine the characteristics of the market for Gulf oysters, including sales (region, size of establishment, average sales, etc.), distribution, and product forms.

(5) Harmful Algal Blooms (HAB)/Red Tide—HAB causes lengthy public health closures of shellfish growing waters, halting production for weeks and causing severe economic hardship in the impacted area. This RFP seeks proposals to develop rapid detection methods for toxic marine algae, especially *G. breve,* conduct HAB research advisory and outreach activities in the Gulf states, and, conduct a workshop for state and federal shellfish sanitation personnel and researchers to include new monitoring, diagnostic, and management protocols for use in the reopening of shellfish growing waters closed by HAB.

(6) Economic and Legal Impacts of Regulatory Action—The regulation of molluscan shellfish is unique from all other foods. Regulatory action either by state or federal public health agencies, and subsequent news media responses can have severe economic and legal impacts on the harvesting, processing and marketing of shellfish, such as Gulf oysters. This RFP seeks proposals that analyze the effects of inaccurate media reports on sales, the delisting of a processor or state from the Interstate Certified Shellfish Shippers List, the ramifications from product disparagement, and/or, the impact of the oyster and support industries on demand for labor and the coastal economies of the Gulf region.

(7) Coastal Restoration/Freshwater Diversion—Coastal land loss, deterioration of estuarine habitat, and coastal restoration programs, e.g., freshwater diversions and sedimentation projects, are causing widespread dislocations and conflicts with established oyster-producing operations. This RFP seeks proposals that educate oyster men, public officials, and citizens regarding the economic role of the oyster industry and the economic costs of displacing and relocating oyster bedding operations, and/or, conduct demonstration projects for oyster farmers to show them the best strategy to relocate their oyster farms that are damaged by coastal restoration projects.

(8) Labor and Mechanization—The traditional labor base that supports oyster growing, harvesting, and processing is shrinking rapidly, with consequently declining production and increased costs. This RFP seeks proposals that investigate and develop cost-effective mechanized approaches to oyster harvesting, and processing, including, but not limited to, developing new means to package and handle oyster shell stock and shucked oysters, including large re-usable, low-cost containerization of shell stock for vessels to trucks, handling equipment to move large containers of shell stock; and, cheaper containers for shucked oysters.

(9) Oyster Diseases—Oyster diseases are having a major impact on Gulf Coast oyster stocks and for the most part this topic will be covered under the Oyster Disease topic in this solicitation. However, oyster disease research specific to the Gulf Coast will be considered in this solicitation.

(10) Genetics and Oyster Hatchery technology—These technologies are needed to develop cost-effective hatchery/nursery operations to augment wild oyster production with specialized strains. This RFP seeks proposals that develop polyploid broodstock for the Gulf Coast, disease resistant transgenic oysters, and/or, address practical problems which may be common to oyster production in general, but especially acute in a farming situation, e.g., biofouling, predation, disease, etc.

Primary consideration for funding will be given to proposals that address the topics listed above. Although the Industry Advisory Panel has indicated a clear preference for projects with a technological focus, more fundamental scientific studies may be supported when clear linkages between scientific findings and their incorporation into technological advances and management practices can be, demonstrated.

III. Eligibility

Eligible applicants include institutions of higher education, other non-profits, commercial organizations, state, local and Indian tribal governments. For the Oyster Disease Research topic National Marine Fishery Services personnel may participate in joint efforts with non-federal persons or groups in these projects as long as non-Federal matching fund requirements are met and these non-federal persons or groups are the principal investigators and have applied and successfully competed for oyster disease research funds through the process outlined in this announcement.

Note: NMFS personnel must demonstrate that they have been authorized to participate in this activity. Should funds be requested as part of the NMFS personnel effort, NMFS must demonstrate that they have legal authority to receive these funds in excess of their appropriation.

Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutional, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. Such collaborative efforts will be factored into the final funding decision.

IV. Evaluation Criteria

A. The evaluation criteria for both preproposals and full proposals submitted for support under the Oyster Disease Research Program are as follows:

(1) Impact of proposed project (35 points)—Significance of the ODRP problem that is being addressed and the level of expected improvement of oyster industry production or technology as a result of funding or the need for this activity as a necessary step toward

having a positive impact on future improvement of technology or production.

(2) Scientific or Professional Merit (30 points)—Degree to which the activity will advance the state of the science or state-or-the-art methods.

(3) Field-Scale trials (5 points)—Degree to which industry and state oyster managers are using or will use technology or products developed through applied research under actual field conditions.

(4) User Relationships, partnerships, collaborative efforts and leveraging (15 points)—Degree to which the potential users of the results have been involved in the planning of the activity, will be involved in the execution of the activity and/or are providing matching funds. Establishment of effective partnerships and collaborations that leverage funds.

(5) Innovativeness (10 points)—Degree to which new approaches to solving problems and exploiting opportunities in oyster disease research, or in public outreach on such issues will be employed, or the degree to which the activity will focus on new types of important or potentially important resources and issues.

(6) Qualifications and Past Record of investigators (5 points)—Degree to which investigators are qualified by education, training, and/or experience to execute the proposed activity; record of achievement with previous funding.

B. The evaluation criteria for both preproposals and full proposals submitted for support under the Gulf Coast Oyster Industry Initiative are as follows:

(1) Impact of proposed project (40 points)—Significance of the GCOIP that will be addressed; the effect this activity will have on the improvement of oyster industry production or technology as a result of funding or the need for this activity as a necessary step toward having a positive impact on future improvement of technology or production.

(2) Field-Scale Trials (10 points)—Degree to which industry and state oyster managers are using or will use technology or products developed through applied research under actual field or industry conditions.

(3) Scientific or Professional Merit (20 points)—Degree to which the activity will advance the state of the science or discipline through use and extension of state-of-the-art methods.

(4) User Relationships, partnerships, collaborations and leveraging (15 points)—Degree to which potential users of the results of the proposed activity have been involved in planning the activity, will be involved in the execution of the activity, and/or are providing matching funds. Establishment of effective partnerships and collaborations that leverage funds.

(5) Innovativeness (10 points)—Degree to which new approaches to solving problems and exploiting opportunities in Gulf Coast Oyster Industry issues, or in public outreach on such issues will be employed, or the degree to which the activity will focus on new types of important or potentially important resources and issues.

(6) Qualifications and Past Record of Investigators (5 points)—Degree to which investigators are qualified by education, training, and/or experience to execute the proposed activity; record of achievement with previous funding.

V. Selection Procedures

All preliminary proposals will be evaluated by selection panels constituted by the National Sea Grant Office for each of the oyster programs. A determination will be made as to the preproposal's appropriateness according to the list of priorities listed above for each of the two competitions. Points will be assigned to each of the evaluation criteria relative to the priority areas listed by the review panels with a total of 100 points possible for all criteria in the respective competitions. Full proposals will be requested of those preliminary proposals that are rated above a certain score to be determined by the panel. Invitation to submit a full proposal does not constitute an indication that the proposal will be funded. Interested parties who are not invited to submit full proposals will not be precluded from submitting full proposals if they have submitted a preliminary proposal in accordance with the procedures described below. A list of those projects already funded in previous years is available from the National Sea Grant Office.

Full proposals will be received at the individual state Sea Grant programs or at the National Sea Grant Office if from a non-Sea Grant State applicant, and sent to peer reviewers for written reviews. The National Sea Grant Office will obtain the written reviews for proposals from Non-Sea Grant states. Complete full proposals and their written reviews will be sent from the state Sea Grant programs to the National Sea Grant Office to be ranked in accordance with the assigned weights of the above evaluation criteria by one of two independent peer review panels consisting of government, academic, and industry experts; one panel will review the Oyster Disease Research Program and a second panel will review the Gulf Oyster Industry Program. The panel members of each panel will provide individual evaluations on each proposal, but there will be no consensus advice. Proposals not receiving an average score of 81 points or above, will not be given further consideration. For the Proposals rated 81 points and higher the Sea Grant Program Managers will: (a) Ascertain which proposals best meet the priorities, and do not substantially duplicate other projects that are currently funded by NOAA or other federal agencies; (b) select the proposals to be funded; (c) determine which components of the selected projects will be funded; (d) determine the total duration of funding for each proposal; and (e) determine the amount of funds available for each proposal, hence, awards may not necessarily be made to the highest-scored proposals. Investigators may be asked to modify objectives, work plans, or budgets prior to approval of the award. Subsequent grant administration procedures will be in accordance with current NOAA grants procedures. A summary statement of the scientific review by the peer panel will be provided to each applicant.

Applications must reflect the total budget necessary to accomplish the project, and be matched by one dollar of non-federal funds for each two dollars of federal funds. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Federal cost principles. The applicants will be bound by the percentage of cost sharing reflected in the grant award.

VI. Instructions for Application

What To Submit

Preliminary Proposal Guidelines

To prevent the expenditure of effort that may not be successful, proposers must first submit preliminary proposals. Preliminary proposals must be single- or double-spaced, typewritten in at least a 10 point font, and printed on metric A4 (210mm × 297mm) or 8½″ × 11″ paper. The following information should be included:

(1) Signed title page: The title page should be signed by the Principal Investigator and should clearly identify the program area being addressed by starting the project title with either ''Oyster Disease Research Program'' or ''Gulf Oyster Industry Initiative.'' Principal Investigators and collaborators should be identified by affiliation and contact information. The total amount of Federal funds and matching funds being requested or provided should be listed for each budget period, as well as the

source of the matching funds. Preliminary proposals must include matching fund equivalent to at least 50% of the Federal funds requested.

(2) A concise (2-page limit) description of the project, its experimental design, its expected output or products, the anticipated users of the information, and its anticipated impact. Proposers should use the Evaluation Criteria for additional guidance in preparing the preliminary proposals.

(3) Resumes (1-page limit) of the Principal Investigators.

(4) Proposers are encouraged (but not required) to include a separate page suggesting reviewers that the proposers believe are especially well qualified to review the proposal. Proposers may also designate persons they would prefer not review the proposal, indicating why. These suggestions will be considered during the review process.

The original and two copies of the preliminary proposals must be submitted to the state Sea Grant Program Director or, for investigators in non-Sea Grant states, directly to the National Sea Grant Office (NSGO) by the times and dates listed under the ''Dates'' section of this announcement. Preliminary proposals submitted to state Sea Grant Programs will be forwarded, along with a cover letter, to the NSGO by the dates indicated in this announcement.

Full Proposal Guidelines

Each full proposal should include the items listed below. All pages should be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8½″ × 11″ paper. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices are permitted.

(1) *Signed title page:* The title page should be signed by the Principal Investigator and the institutional representative and should clearly identify the program area being addressed by starting the project title with either Oyster Disease Research Program or Gulf Oyster Industry Initiative, as appropriate. The Principal Investigator and institutional representative should be identified by full name, title, organization, telephone number, e-mail address, and mailing address. The total amount of Federal funds and matching funds being requested should be listed for each budget period.

(2) *Project Summary:* This information is very important. It is critical that the project summary accurately describe the research being proposed and convey all essential elements of the research. The project summary should include: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliates of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of October 1, 2001. 5. Project Summary: This should include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work to be completed.

(3) *Projected Description (15-page limit):*

Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (a) Current state of knowledge; (b) contributions that the study will make to the particular discipline or subject area; and (c) contributions the study will make toward addressing the problems of oyster disease or Gulf oyster industry issues.

Research or Technical Plan: (a) Objectives to be achieved, hypotheses to be tested; (b) Experimental design and statistical analysis to be used; (c) Plan of work discuss how stated project objectives will be achieved; and (d) Role of project personnel.

Output: Describe the project outputs that will enhance the Nation's ability to improve the status of oysters and the oyster industry.

Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

Reference and Literature Citations: Should be included but will not be counted in the 15 page project description limit.

(4) *Budget and Budget Justification:* There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as it provides the same information as the Sea Grant form. Subcontracts should have a separate budget page. Matching funds must be indicated; failure to provide required matching funds will result in the proposal being rejected without review. Each annual budget should include a separate budget justification page that itemizes all budget items in sufficient detail to enable reviewers to evaluate the appropriateness of the funding requested. Please pay special attention to any travel, supply or equipment budgets and provide details. For proposals to either of the competition categories the total dollar amount of indirect costs must not exceed the indirect cost rate negotiated and approved by the cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

(5) *Current and Pending Support:* Applicants must provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The number of person-months per year to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals already submitted or submitted concurrently to other possible Federal sponsors, including those within NOAA.

(6) *Vitae (2 pages maximum per investigator)*

(7) *Standard Application Forms:* See Address section for web address for forms. Forms can also be obtained from state Sea Grant programs or the National Sea Grant Office. The following forms must be included:

(a) Standard Forms 424, Application for Federal Assistance, and 424B, Assurances—Non-Construction Programs, (Rev 4–88). Applications should clearly identify the program area being addressed by starting the project title with either Oyster Disease Research Program or Gulf Oyster Industry Program, as appropriate. Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants for the National Oyster Disease Research Program and Gulf Oyster Industry Initiative program areas should enter ''11.417'' for he CFDA Number and ''Sea Grant Support'' for the title. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(i) Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, Section 105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce (DOC). SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

How To Submit

Although investigators are not required to submit more than the original and two copies of the proposal, the normal review process requires ten copies. Investigators are encourage to submit sufficient proposal copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5 × 11″), or otherwise unusual materials submitted as part of the proposal. Only the original and two copies of the Federally required forms are needed.

Federal Policies and Procedures

Grant recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, these is no obligation on the part of the Department of Commerce to cover pre-award costs.

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made products with funding provided under this program.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

No award of Federal funds shall be made to a applicant who has an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is receive, or

c. Other arrangements satisfactory to Department of Commerce are made.

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honestly or financial integrity.

Pursuant to Executive Orders 12876, 12900, and 13021, the Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HSI), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed at the following Internet website: http://www.ed.gov/offices/OCR/99minin.html.

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The Sea Grant Project Summary Form and the Sea Grant Budget Form have been approved under the Office of Management and Budget (OMB) Control Number 0648–0362, with estimated times per response of 20 and 15 minutes, respectively. The use of Standard Forms 424, 424B, and the SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040 and 0348–0046. The response time estimates above include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completed and reviewing the collection of information. Send comments on these estimates or any other estimates of these collections to the National Sea Grant Office/NOAA, 1315 East-West Highway, Silver Spring, Maryland 20910 and to the Office of Information and Regulatory Affairs, Office of Management and Budget,

Washington, DC 20503 (Attention: NOAA Desk Officer). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: February 23, 2001.

Louisa Koch,

Deputy Assistant Administrator, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990125028–1050–02]

RIN 0648–ZA54

Aquatic Nuisance Species Research and Outreach: Request for Proposals for FY 2001

AGENCY: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) is entertaining preliminary proposals and subsequently full proposals for innovative research and outreach projects that address the problems of Aquatic Nuisance Species in U.S. coastal waters. In FY 2001 and 2002, Sea Grant expects to make available about $2,700,000 per year to support projects to prevent and/or control nonindigenous species invasions in all U.S. marine waters, the Great Lakes, and Lake Champlain; matching funds equivalent to a minimum of 50% of the Federal request must be provided. Successful projects will be selected through national competitions.

DATES: Preliminary proposals must be submitted before 5 pm (local time) on April 4, 2001. After evaluation at the National Sea Grant Office (NSGO), some proposers will be encouraged to prepare full proposals, which must be submitted before 5 pm (local time) on May 28, 2001. (See **ADDRESSES** for where to submit preliminary and full proposals.)

ADDRESSES: Preliminary proposals and full proposals from applicants in Sea Grant states must be submitted through the state Sea Grant Program. Preliminary proposals and full proposals from applicants outside Sea Grant states may be submitted either through the nearest Sea Grant Program or directly to the Program Manager at the National Sea Grant Office. The addresses of the Sea Grant College Program directors may be found on Sea Grant's home page (www.nsgo.seagrant.org/SGDirectors.html) or may also be obtained by contacting the Program Manager at the National Sea Grant Office (see below).

FOR FURTHER INFORMATION CONTACT: Leon M. Cammen, Aquatic Nuisance Species Coordinator, National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2435; facsimile 301–713–0799.

SUPPLEMENTARY INFORMATION:

I. Program Authority

Authority: 33 U.S.C. 1121–1131.

Catalog of Federal Assistance Number: 11.417, Sea Grant Support.

II. Program Description

Background

Nonindigenous species introductions are increasing in frequency and causing substantial damage to the Nation's environment and economy. Although the most prominent of these has been the zebra mussel, many other nonindigenous species have been introduced and have truly become a nationwide problem that threatens many aquatic ecosystems. While some intentional introductions may have had beneficial effects, there are many other nonindigenous species already present in U.S. waters, or with the potential to invade, that may cause significant damage to coastal resources and the economies that depend upon them. In response, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*) established a framework for the Nation to address the problems of aquatic nuisance species invasions of coastal and Great Lakes ecosystems.

Although problems such as the zebra mussel and the sea lamprey within the Great Lakes have received the most attention, invasions of nonindigenous species in coastal marine environments are an increasing and serious threat. The National Invasive Species Act of 1996 (16 U.S.C. 4711–4714) recognized this by calling for Federal funding to support aquatic nuisance species prevention and control along the Nation's marine coast.

Funding Availability and Priorities

The National Sea Grant College Program encourages proposals that address the following program area: ''Research and Outreach to Prevent and Control Aquatic Nuisance Species Invasions.''

An interagency Ad Hoc Committee on Exotic Species in the Great Lakes has prepared a report entitled, ''Coordinated Program of Research for Exotic Species in the Great Lakes.'' Although targeted for the Great Lakes, the report provides a useful framework for research and outreach on any nonindigenous species problems and is therefore being used to structure this more general request for proposals covering U.S. marine waters, the Great Lakes, and Lake Champlain. Research and outreach proposals are requested that address one or more of the following program areas:

(a) Biology and Life History: Basic biological research into population dynamics, genetics, physiology, behavior, and parasites and diseases of nonindigenous species with the potential to lead to the development of ecologically safe, effective, and inexpensive control. Research on the ecological and environmental tolerances of nonindigenous species with the potential for prediction of eventual geographic and ecological impacts.

(b) Effects on Ecosystems: Research on the impacts of nonindigenous species at each stage of their life history with the potential for helping natural resource managers determine how to minimize the impacts on established biota and their habitats.

(c) Socio-Economic Analysis: Costs and Benefits: Research on the potential impacts of nonindigenous species on human health in terms of spread of disease, concentration of pollutants, and contamination or purification of drinking water sources. Economic impact on sport, commercial and tribal fisheries, the recreation and tourism industry, the shipping and navigation industry, and municipal and industrial water users. Use of research results to provide a scientific basis for developing sound policy and environmental law, and for public education and technology transfer.

(d) Control and Mitigation: Research into various types of control—engineering (redesigning water intakes, etc.), physical (scraping, filtering, etc.), chemical (biocides, antifoulants, etc.), biological (parasites, predators, etc.), and physicochemical (heat, salinity, pH, etc.)—to develop selective, effective controls that minimize adverse ecological/environmental impacts. Outreach activities that will transfer

these technologies to the appropriate users.

(e) Preventing New Introductions: Research and outreach into identifying vectors of introduction, developing cost-effective, realistic methods of prevention, and transferring the information to appropriate users. In particular, research to develop workable and effective methods to eliminate ballast water discharge as a source of nonindigenous species introductions without imposing undue hardships on the shipping industry.

(f) Reducing the Spread of Established Populations: Research and outreach to identify mechanisms for further dispersal of individual established species that will lead to the development of safeguards and protocols to prevent and/or slow the spread of nonindigenous species to uninfested areas, and transfer of that information to appropriate users.

(g) Ballast Water Pathogens and Public Health: Research to assess the public health risks posed by pathogens released in ballast waters discharges in U.S. ports.

Potential investigators are encouraged to review the list of recent and currently funded Sea Grant projects related to Aquatic Nuisance Species that is available on Sea Grant's Aquatic Nuisance Species web page (www.nsgo.seagrant.org/research/nonindigenous/index.html). In addition, regional priorities that were developed by the Great Lakes, Western, and Gulf of Mexico Regional Panels on Aquatic Nuisance Species are also available on the same web page and provide valuable guidance on the major issues within each of those coastal regions.

About $2,7000,000 is available from the National Sea Grant College Program to support these projects in FY 2001; an additional $2,700,000 may be available in FY 2002 depending on the overall funding appropriation for the National Sea Grant College Program. Of this amount, 70% of the funds will be made available to support research projects and 30% for outreach activities. Any two-year awards that are funded annually must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.,* the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves); the second year of funding is contingent upon availability of funds and submission of an annual report showing satisfactory progress. Projects selected for funding will be limited to $150,000 of federal contributions per year and each proposal must include additional matching funds equivalent to at least 50% of the Federal funds requested; for example, a proposal requesting a total of $200,000 in Federal support for two years would have to include at least an additional $100,000 in matching funds.

III. Eligibility

Proposals may be submitted by individuals; public or private corporations, partnerships, or other associations or entities (including institutions of higher education, institutes, or non-Federal laboratories), or any State, political subdivision of a State, or agency or officer thereof.

IV. Evaluation Criteria

The evaluation criteria for proposals submitted in response to this Announcement are:

(1) Impact of Proposed Project (65%): The effect this activity will have on reducing the impact of invasive species on the environment and/or the economy, or the need for this activity as a necessary step toward such a reduction in impact; and the degree to which partners and potential users of the results of the proposed activity have been involved in planning the activity and will be involved in the execution of the activity as appropriate.

(2) Scientific or Professional Merit (35%): Degree to which the activity will advance the state of the science or discipline through synthesis of existing information and use and extension of cutting edge as well as state-of-the-art methods; degree to which new approaches to solving problems and exploiting opportunities in resource management or development, or in public outreach on such issues will be employed; degree to which investigators are qualified by education, training and/or experience to execute the proposed activity; and record of achievement with previous funding.

V. Selection Procedures

Preliminary proposals will be reviewed at the NSGO by a panel composed of government, academic, and industry experts. The panel will be asked to assess each preliminary proposal according to the evaluation criteria listed above. The panel will make individual recommendations to the Director of the NSGO regarding which preliminary proposals may be suitable for further consideration. On the basis of the panel's recommendations, the Director of the NSGO will advise proposers whether or not the submission of full proposals is encouraged. Invitation to submit a full proposal does not constitute an indication that the proposal will be funded. Interested parties who are not invited to submit full proposals will not be precluded from submitting full proposals if they have submitted a preliminary proposal in accordance with the procedures described below.

Individual state Sea Grant programs receiving proposals will conduct the mail peer review of the proposed projects in accordance with the Evaluation Criteria listed above. Complete proposals and copies of the mail reviews will then be sent by the state Sea Grant programs to the National Sea Grant Office. The National Sea Grant Office will conduct mail reviews for proposals submitted directly to it by applicants not in Sea Grant states. The proposals will be ranked in accordance with the assigned weights of the above evaluation criteria by an independent peer review panel consisting of government, academic, and industry experts. These panel members will provide individual evaluations on each proposal; thus there will be no consensus advice. Their recommendations and evaluations will be considered by the National Sea Grant Office in the final selection. Only those proposals awarded a score of 50% or greater by the panel will be eligible for funding. For those proposals, the National Sea Grant Office will: (a) Ascertain which proposals best meet the program priorities (stated in Section II), and do not substantially duplicate other projects that are currently funded or are approved for funding by NOAA and other federal agencies, hence, awards may not necessarily be made to the highest-scored proposals; (b) select the proposals to be funded; (c) determine which components of the selected projects will be funded; (d) determine the total duration of funding for each proposal; and (e) determine the amount of funds available for each proposal. Investigators may be asked to modify objectives, work plans, or budgets prior to final approval of the award. Subsequent grant administration procedures will be in accordance with current NOAA grants procedures. A summary statement of the scientific review by the peer panel will be provided to each applicant.

VI. Instructions For Application

Timetable

April 4, 2001, 5 pm (local time)—Preliminary proposals due at state Sea Grant Program, or at NSGO if application is being submitted by a non Sea Grant College Program.

April 9, 2001, 5 pm (EST)—Preliminary proposals received at state Sea Grant Programs due at NSGO.

May 28, 2001, 5 pm (local time)—Full proposals due at state Sea Grant Program, or at NSGO if application is being submitted by a non Sea Grant College Program.

May 31, 2001, 5 pm (EST)—Full proposals received at state Sea Grant Programs due at NSGO.

October 1, 2001 (approximate)—Funds awarded to selected recipients; projects begin.

General Guidelines

Interested parties must submit applications (preliminary or full proposals) as follows. Applications originating in a Sea Grant state must be submitted to that state's Sea Grant Program, who will submit the final grant application to the National Sea Grant Office. Applications originating in a state with no Sea Grant Program may be submitted to the nearest state Sea Grant Program who will then submit the final grant application to the National Sea Grant Office, or the application may be submitted directly to the National Sea Grant Office. Applications may be made for a grant to support up to two-thirds of the total budget. Projects can be for a maximum of two years' duration. Awards will not exceed $150,000 of Federal funds per year. Allocation of matching funds, equal to at least half the federal request, must be specified in the budget; failure to provide adequate matching funds will result in the proposal being rejected without review.

The ideal proposal attacks a well-defined problem that is, or will be, a significant societal issue. The organization or people whose task it will be to make related decisions, or who will be able to make specific use of the projects results, have been identified and contacted by the Principal Investigator(s). The project demonstrates an understanding of what constitutes necessary and sufficient information for responsible decision-making or for applied use, and shows how that information will be provided by the proposed activity, or in concert with other planned activities.

Research projects are expected to have: a rigorous, hypothesis-based scientific work plan, or a well-defined, logical approach to address an engineering problem; a strong rationale for the proposed research; and a clear and established relationship with the ultimate users of the information. Research undertaken jointly with industry, business, or other agencies with interest in the problem will be seen as being meritorious. Their contribution to the research may be in the form of collaboration, in-kind services, or dollar support. Projects that are solely monitoring efforts are not appropriate for funding.

What To Submit

Preliminary Proposal Guidelines

To prevent the expenditure of effort that may not be successful, proposers must first submit preliminary proposals. Preliminary proposals must be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8 ½″ × 11″ paper. The following information should be included:

(1) Signed Title Page: The title page should be signed by the Principal Investigator and should clearly identify the program area being addressed by starting the project title with ''Aquatic Nuisance Species.'' Principal Investigators and collaborators should be identified by affiliation and contact information. The total amount of Federal funds and matching funds being requested should be listed, as well as the source of the matching funds. Preliminary proposals must include matching funds equivalent to at least 50% of the Federal funds requested.

(2) A concise (2-page limit) description of the project that addresses the following questions: What technology will be developed? How is it important to the nation? What fundamental work has been done that allows advancement of this technology to a more applied level? What are the anticipated economic benefits? Proposers should consult the Evaluation Criteria for additional guidance in preparing the preliminary proposals.

(3) Resumes (1-page limit) of the Principal Investigators.

(4) Proposers are encouraged (but not required) to include a separate page suggesting reviewers that the proposers believe are especially well-qualified to review the proposal. Proposers may also designate persons they would prefer not review the proposal, indicating why. These suggestions will be considered during the review process.

The original and two copies of the preliminary proposals must be submitted to the nearest state Sea Grant Program Director or to the NSGO Program Manager (as explained in ''General Guidelines'') before 5 pm (local time) on April 2, 2001. Preliminary proposals received at the state Sea Grant Program offices must be forwarded by the Sea Grant Programs, along with a cover letter, to Dr. Leo Cammen, Program Manager, at the address given above (**FOR FURTHER INFORMATION CONTACT**) so as to reach the National Sea Grant Office (NSGO) on or before 5 pm on April 6, 2001. No institutional signatures or federal government forms are needed while submitting preliminary proposals.

Full Proposal Guidelines

All pages should be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8½″ x 11″ paper. Each full proposal should include the items listed below. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 15-page limitation; literature citations are not included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices are permitted.

(1) Signed Title Page: The title page should be signed by the Principal Investigator and the institutional representative and should clearly identify the program area being addressed by starting the project title with ''Aquatic Nuisance Species.'' The Principal Investigator and institutional representative should be identified by full name, title, organization, telephone number and address. The total amount of Federal funds being requested should be listed for each budget period.

(2) Project Summary: This information is very important. Prior to attending the peer review panel meetings, some of the panelists may read only the project summary. Therefore, it is critical that the project summary accurately describe the research being proposed and convey all essential elements of the research. The project summary should include: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliations of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of October 1, 2001, or later. 5. Project Summary: This should include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work to be completed.

(3) Project Description (15-page limit):

(a) Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (i) current state of knowledge; (ii) contributions that the study will make to the particular discipline or subject area; and (iii) contributions the study will make toward addressing the problem of nonindigenous species.

(b) Research or Technical Plan: (i) Objectives to be achieved, hypotheses to be tested; (ii) Plan of work—discuss how stated project objectives will be achieved; and (iii) Role of project personnel.

(c) Output: Describe the project outputs that will enhance the Nation's ability to manage and control nonindigenous species impacts.

(d) Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

(e) Literature Cited: Should be included here, but does not count against the 15-page limit.

(4) Budget and Budget Justification: There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as it provides the same information as the Sea Grant form. Subcontracts should have a separate budget page. Matching funds must be indicated; failure to provide required matching funds will result in the proposal being rejected without review. Applicants should provide justification for all budget items in sufficient detail to enable the reviewers to evaluate the appropriateness of the funding requested. For all applications, regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the Department of Commerce will reimburse the Recipient shall be the lesser of: (a) The Federal share of the total allocable indirect costs of the award based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation; or (b) The line item amount for the Federal share of indirect costs contained in the approved budget of the award.

(5) Current and Pending Support: Applicants must provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The proposed project and all other projects or activities using Federal assistance and requiring a portion of time of the principal investigator or other senior personnel should be included. The relationship between the proposed project and these other projects should be described, and the number of person-months per year to be devoted to the projects must be stated.

(6) Vitae (2 pages maximum per investigator)

(7) Research Protocol (if appropriate): Research activities funded under this program must not accelerate the spread of nonindigenous species to non-infested watersheds. Therefore, investigators whose laboratories or research study sites are in currently uninfested areas must develop procedures for handling the particular nonindigenous species that will prevent its release into the environment. As part of the plan of action, the investigator must detail how the proposed work will be accomplished while safeguarding the environment, and the research protocol will be reviewed by an interagency committee created under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*). Guidelines for developing suitable protocols are available through the World Wide Web (www.nsgo.seagrant.org/research/nonindigenous/RFP01.html) or from Dr. Leon Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov). Proposals lacking a suitable protocol will not be eligible for funding.

(8) Standard Application Forms: Applicants may obtain all required application forms through the World Wide Web at www.nsgo.seagrant.org/research/rfp/index.html#3, from the state Sea Grant Programs or from Dr. Leon Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov). The following forms must be included:

(a) Standard Forms 424, Application for Federal Assistance and 424B, Assurances—Non-Construction Programs, (Rev 4–88). Applications should clearly identify the program area being addressed by starting the project title with either as appropriate. Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants should enter ''11.417'' for the CFDA Number and ''Sea Grant Support'' for the title. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(i) Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, Section 105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined at 15 CFR part 26, Section 605) are subject to 15 CFR part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce (DOC). SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

VII. How To Submit

Preliminary proposals and proposals must be submitted to the state Sea Grant Programs or to the NSGO according to the schedule outlined above (see **ADDRESSES** and ''Timetable''). Although investigators are not required to submit more than the original and two copies

of either preproposals or full proposals, the normal review process requires ten copies. Investigtors are encouraged to submit sufficient copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5 x 11″), or otherwise unusual materials submitted as part of the proposal. Only the original and two copies of the Federally required forms are needed. The addresses of the Sea Grant College Program directors may be found on Sea Grant's World Wide Web home page (www.nsgo.seagrant.org/SGDirectors.html) or may also be obtained by contacting the Program Manager, Dr. Leon M. Cammen, at the National Sea Grant Office (phone: 301–713–2435 x 136 or e-mail: leon.cammen@noaa.gov). Preproposals and proposals sent to the National Sea Grant Office should be addressed to: National Sea Grant office, R/SG, Attn: Aquatic Nuisance Species Coordinator, NOAA, Room 11841, 1315 East-West Highway, Silver Spring, MD 20910 (phone 301–713–2435 for express mail applications).

Applications received after the deadline and applications that deviate from the format described above will be returned to the sender without review. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

VIII. Other Requirements

(A) Federal Policies and Procedures—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce (DOC) policies, regulations, and procedures applicable to Federal financial assistance awards.

(B) Past Performance—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(C) Preaward Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover preaward costs.

(D) No Obligation for Future Funding—If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

(E) Delinquent Federal Debts—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(1) The delinquent account is paid in full.

(2) A negotiated repayment schedule is established and at least one payment is received, or

(3) Other arrangements satisfactory to DOC are made.

(F) Name Check Review—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

(G) False Statements—A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(H) Intergovernmental Review—Applications for support from the National Sea Grant College Program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(I) Purchase of American-Made Equipment and Products—Applicants are hereby notified that they will be encouraged to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The Sea Grant Project Summary Form and the Sea Grant Budget Form have been approved under Office of Management and Budget (OMB) Control Number 0648–0362, with estimated times per response of 20 and 15 minutes respectively. The use of Standard Forms 424, 424B, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040, and 0348–0046. The response time estimates above include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments on these estimates or any other aspect of these collections to National Sea Grant Office/NOAA, 1315 East-West Highway, Silver Spring, MD 20910 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: February 28, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 01–5265 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–KA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022301B]

Endangered Species; Permits

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

ACTION: Receipt of applications for five scientific research/enhancement permits (1293, 1295, 1296, 1297, 1298).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received five applications for scientific research/enhancement permits under the Endangered Species Act (ESA): Brian Perleberg of Northern Resource Consulting at Longview, WA (NRC) (1293); Peter Dutton, Ph.D., of the NMFS Southwest Fisheries Science Center and Donna McDonald (1297), Dr. R. Michael Laurs, of the NMFS - Southwest Fisheries Science Center (NMFS-SWFSC) (1296); Dr. Michael P. Sissenwine of the NMFS - Northeast Fisheries Science Center (NMFS-NEFSC) (1295) and Ms. Melissa Salmon, of Riverbanks Zoological Park (1298).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5

p.m. eastern standard time on April 4, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1295, 1296, 1297, 1298: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

For permit 1293: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (phone: 503–230–5400, fax: 503–230–5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permits 1295, 1296, 1297, 1298: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

For permit 1293: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: Robert.Koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

Fish

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened lower Columbia River (LCR).

Chum salmon (*O. keta*): threatened Columbia River.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened middle Columbia River (MCR); threatened LCR.

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

New Applications Received

Application 1293

Brian Perleberg of NRC requests a 5–year permit (1293) for annual takes of ESA-listed anadromous fish species associated with scientific research to be conducted in numerous headwater streams throughout OR and WA. The purpose of the research is to determine juvenile fish presence or absence on privately owned timberlands and to provide the Washington Department of Natural Resources, the Oregon Department of Forestry, and other state agencies with information to be used to update fish distribution maps. The research will benefit ESA-listed salmonids by providing information on the upper extent of fish usage in headwater streams, providing information on potential stream blockages which may inhibit anadromous fish migration, and providing information that will assist small landowners with culvert projects that could result in an increase in available fish habitat. ESA-listed juvenile fish are proposed to be observed/harassed or captured (using electrofishing or angling), handled, and released. ESA-listed juvenile fish indirect mortalities are also requested.

Application 1295

The applicant has requested a 5–year permit to take sea turtles during research activities conducted by the Northeast Fisheries Science Center. The center is developing a 5–year plan for turtle research. The goal of the 5–year plan for sea turtles in the Northeast is to work cooperatively with other regions to support and direct research on sea turtles in order to identify and assess the status of sea turtle stocks, reduce the estimated mortality associated with fishing activities and other anthropogenic and natural sources and to recover ESA listed species.

Application 1296

The applicant has requested a 5–year permit to authorize commercial fisherman working in the Hawaii Longline Fishery to flipper tag and collect biopsy samples from sea turtles incidentally taken in the fishery. Tissue collection training and program oversight will be conducted by the Southwest Fisheries Science Center. The information gained from the additional tissue samples will allow NMFS to better fulfill its ESA responsibilities to protect, conserve, and recover listed species of sea turtles and better meet the goals and objectives of the U.S. Pacific Sea Turtle Recovery Plans and the requirements of present and future Section 7 biological opinions developed for this fishery.

Application 1297

The applicant has requested a 5–year permit to continue to conduct long-term monitoring of the status of turtles in San Diego Bay, CA. The applicant currently holds permit 1988 which will expire on April 30. 2001. Information that will be gathered during the continuation of this research include: numbers of animals present, species composition, size, sex, health status, and presence or absence of tags.

Application 1298

The applicant has requested a 5–year permit to continue to maintain eleven adult shortnose sturgeon received from the South Carolina Department of Natural Resources in 1996 for education purposes.

Dated: February 27, 2001.

Wanda L. Cain,

Acting Deputy Office Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5260 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Pakistan

February 28, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: March 17, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

A notice published in the **Federal Register** on December 31, 1998 (63 FR 72288) announced that the Government of the United States had requested consultations with the Government of Pakistan on December 24, 1998 with respect to combed cotton yarn in Category 301, produced or manufactured in Pakistan and that, if no solution was agreed upon in consultations with the Government of Pakistan, the Government of the United States reserved its right to establish a twelve-month limit of not less than 5,262,665 kilograms for the entry for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan.

The Government of the United States has decided to establish a limit of 5,913,131 kilograms for the entry for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan for a third twelve-month period, beginning on March 17, 2001 and extending through March 16, 2002.

The United States remains committed to finding a mutually agreed solution concerning Category 301. Should such a solution be reached in consultations with the Government of Pakistan, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 14544, published on March 17, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 28, 2001.

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

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on March 17, 2001, entry into the United States for consumption and withdrawal from warehouse for consumption of combed cotton yarn in Category 301, produced or manufactured in Pakistan and exported during the twelve-month period beginning on March 17, 2001 and extending through March 16, 2002, in excess of 5,913,131 kilograms.

The limit set forth above is subject to adjustment pursuant to the provisions of the ATC.

Products in the above category exported during the March 17, 2000 through March 16, 2001 period shall be charged to the limit for that year (see directive dated March 14, 2000) to the extent of any unfilled balances. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5391 Filed 3–2–01; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Army

Fuel-Related Rate Adjustment

AGENCY: Military Traffic Management Command (MTMC), DoD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command, as the Program Director for the Department of Defense (DoD), announces an adjustment to the current Fuel-Related Rate requirements for qualified carriers. This action is a result of joint MTMC Industry Fuel Board which included industry representatives. The change will be implemented to assist transportation industry and carriers on diesel fuel cost increases. Further details covering the policy and requirements are contained in the **SUPPLEMENTARY INFORMATION** paragraph indicated below.

DATES: The change will become effective on April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Ruth Tetreault, Headquarters, Military Traffic Management Command, ATTN: MTDAC, Room 11S31, Hoffman Building II, 200 Stovall St., Alexandria, VA 22332–5000; Telephone (703) 428–2462; Telefax (703) 428–3351.

SUPPLEMENTARY INFORMATION:

Background

MTMC developed and implemented an automatic fuel surcharge that goes into effect on April 1, 2001. Carriers will be entitled to an automatic increase when the national average price of diesel fuel rises above $1.30 a gallon as reported by the Department of Energy, Energy Information Administration. Diesel fuel prices are segregated into 10-cent increments, for which there is a 1% addition for each time the threshold is crossed. In the past, carriers incurring high diesel costs faced long delays in receiving surcharges. MTMC has mad surcharges automatic for carriers by linking them directly to the price of diesel fuel. The new automatic fuel surcharge is a result of a joint MTMC-Industry Fuel Board which included industry representatives. The policy ensures fair compensation for our industry partners when the price of fuel rises.

Effective April 1, 2001, MTMC Policy No. TR–12 (Fuel-Related Rate Adjustment Policy) replaces MTMC 1–7, C–1, Policy No. 55–4 (Fuel Related Carrier Rate Changes) as follows:

Transportation and Travel

Policy No. TR–12

Subject: Fuel-Related Rate Adjustment Policy

a. *Policy:* Written provision will be made in Military Traffic Management Command (MTMC) regulations and solicited tender agreements for fuel related rate adjustments. The following Fuel-Related Rate Adjustment policy provides the transportation industry, including individual carriers, economic adjustment and reasonable relief from increases in diesel fuel prices. Carriers are urged to consider changes in fuel prices when submitting or supplementing rates during rate filing and/or bid submission periods. See Sections I and J for specific program applications and exceptions.

b. *Issue Date:* The issue date is January 2, 2001.

c. *Effective Date:* The effective date is April 1, 2001.

d. *Expiration Date:* The expiration date is April 1, 2002 and is subject to reauthorization on an annual basis at the sole discretion of HQ MTMC. The MTMC Fuel Board will periodically meet to consider changes and modifications to this policy.

e. *Application:* The policy will apply to MTMC Personal Property and Domestic Freight Programs.

f. *Policy and Guidance:* 1. *Application:* Applicability of the Fuel-Related Adjustment is based on guidance contained in the solicitation or other procurement request for transportation services. Application of a Fuel-Related Rate Adjustment will be determined the first Monday of the month and based on the National Average diesel fuel price as determined by the Department of Energy, Energy Information Administration (EIA). If the first Monday is a holiday the fuel price will be determined based on the price on the next business day.

2. *Determination of Adjustment:* (a) Only the National Average diesel fuel price as published by the DOE, EIA on the first Monday of the month (or the first working day after a Monday if the Monday falls on a Federal Holiday) may be used as a basis for determining the applicability of a Fuel-Related Rate Adjustment. The fuel adjustment will automatically apply to shipments picked up on or after the 15th day of the month through the 14th day of the following month. The diesel fuel prices published by the EIA may be found via the following sources:

(1) EIA Web site: http://www.eia.doe.gov/.

(2) EIA Weekly Petroleum Status Report.

(3) EIA Hotline: (202) 586–6966.

(b) It is the responsibility of the carrier to monitor diesel fuel prices via one of the sources identified above. The National Average diesel fuel price determined by the DOE, EIA on the first Monday of the month will serve as the basis for determining the entitlement to a Fuel-Related Adjustment, until the first Monday of the following month when the National Average diesel fuel price is published. The National Average fuel price and the actual pickup date of the shipment will determine if there is an entitlement to an adjustment and the amount of the adjustment. An adjustment is not applicable to any portion of transportation in which a surcharge or any other additional payment for fuel is already in existence. For example, portions of transportation to which the Bunker Fuel Surcharge is applicable.

3. *Amount of Adjustment:* a. The table below will be used to determine the fuel related adjustment factor. No fuel adjustment will be granted when prices are within the neutral range (''0''). When the DOE, EIA fuel price exceeds the neutral range amount, the carrier will be entitled to the specific fuel rate adjustment percentage based on the applicable fuel cost per gallon as indicated in the table. The increase applies to line haul transportation charges only unless otherwise identified in the solicitation. The following rates adjustments are provided in the following table:

TABLE

Cost per gallon (in cents)	Rate adjustment (percent)
130.0 and below	0
130.1–140.0	1
140.1–150.0	2
150.1–160.0	3
160.1–170.0	4
170.1–180.0	5
180.1–190.0	6
190.1–200.0	7
200.1–210.0	8
210.1–220.0	9

b. For example, if the reported DOE, EIA National Average diesel fuel price is $1.52 the carrier would be entitled to a fuel-related surcharge of 3% for shipments picked up on or after the 15th of the month. For each 10 cents per gallon above 220.0 add 1%.

4. *Readjustments:* The surcharge is automatically recalculated monthly and adjusted upward or downward depending on the DOE EIA National Average price on the 1st Monday of the month. In no case will the adjustment lower the original price offered in the carriers' initial filing or response to a solicitation.

g. *Billing Procedures:* Carriers will clearly show fuel price adjustments on all paper and electronic commercial freight bills and Government Bills of Lading and invoices. The amount of any diesel fuel rate surcharge must be shown as a separate item on the carriers' invoice.

h. The policy supersedes Policy No. 55–4 Fuel Related Carrier Rate Changes.

i. *Personal Property Program:* Specific program applications and exceptions are listed below:

1. Applications: (CONUS segment, including Alaska and Hawaii).

(a) Line haul portion of domestic interstate and intrastate movements.

(b) Domestic line haul portion of international personal property movements.

(c) Transportation charges applicable on domestic and international storage-in-transit shipments when such shipments are delivered or removed from the domestic storage-in-transit warehouse.

2. Exceptions: None.

j. *Domestic Freight Program:* Specific program applications are listed below:

1. Applications: a. Applies only to the domestic line haul portion of the carrier rate.

2. Exceptions: None.

(end of change)

Regulatory Flexibility Act

The change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3051 et seq., does not apply because no information collection requirement or recordkeeping responsibilities are imposed on offerors, contractors, or members of the public.

Francis A. Galluzzo,

Director, Distribution Analysis Center.

[FR Doc. 01–5241 Filed 3–2–01; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Management of Excess Mercury; Expressions of Interest; Alternative Locations for the Long Term Storage of Mercury

AGENCY: Defense National Stockpile Center (DNSC), Defense.

ACTION: Notice of request for expression of interest.

SUMMARY: The Defense National Stockpile Center (DNSC), part of the Defense Logistics Agency (DLA) within the Department of Defense (DoD), is preparing an environmental impact statement (EIS) to assess several alternatives for the long term management or use of mercury that has been declared excess to national defense needs. As part of the EIS assessment, DNSC is requesting Expressions of Interest from interested federal agencies for potential locations for the long term (greater than 40 years) consolidated storage of the excess mercury. For the purposes of this EIS, the term ''long term management'' shall include any potential action to sell, treat, store, or dispose of such material. The DNSC inventory of approximately 4,890 tons of excess mercury is currently stored in warehouses at four locations. Suggested sites that are submitted for DNSC consideration would be evaluated to determine their reasonableness for inclusion as an alternative in the EIS. More detailed information on the EIS can be found in the February 5, 2001 **Federal Register** (66 FR 8947). Information on the EIS may also be found at the Mercury Management EIS website at *www.mercuryeis.com.* Department of Energy (DOE) is a cooperating agency for the preparation of this EIS because some of DoD's excess mercury is currently stored at the DOE Y–12 National Security Complex in Oak Ridge, Tennessee.

DATES: Agencies wishing to make an Expression of Interest should do so in writing by April 30, 2001, to ensure their consideration.

ADDRESSES: Please submit Expressions of Interest to: Project Manager, Mercury Management EIS; DNSC–E; Defense Logistics Agency; Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 4616, Fort Belvoir, VA 22060–6223.

SUPPLEMENTARY INFORMATION:

Background.

DNSC is a mandatory source of supply for raw materials for all Federal agencies as required by the Federal acquisition Regulation, Part 8.002—Use of Other Government Supply Sources. The mercury in DLA's Stockpile has been declared excess to national defense needs and DNSC must decide on long term management of the excess mercury.

The DNSC inventory of approximately 4,890 tons of excess mercury is currently stored in warehouses at four locations: Somerville, NJ; New Haven, IN; Oak Ridge, TN; and Warren, OH. Most of the excess inventory, about 2,882 tons (75,980 flasks) is stored at the Somerville Depot in Somerville, NJ. Approximately 770 tons (20,276 flasks) is stored at the U.S. Department of Energy (DOE) Y–12 National Security Complex in Oak Ridge, TN; and 621 tons (16,355 flasks) is stored at the Warren Depot in Warren, OH. The remainder, approximately 614 tons (16,151 flasks), is stored at the Casad Depot, located approximately 3 miles (4.8 kilometers) east of New Haven, IN. Mercury is a dense, naturally occurring, silver-colored metallic element that is liquid at room temperature. sometimes called 'quicksilver', liquid mercury has been used extensively in manufacturing because it readily conducts electricity, reacts to temperature changes, and alloys with other metals. Mercury is designated as a hazardous substance under Section 307(a) of the Clean Water Act, Section 112 of the Clean Air Act, and Section 3001 of the Resource Conservation and Recovery Act.

The DNSC mercury is between 99.5 and 99.9 percent pure. The material is currently stored in 3 liter, carbon steel flasks with each flask containing about 76 pounds (34.5 kilograms) of mercury. The flasks are stored in wooden box pallets equipped with drip pans, with 50 to 60 flasks to a pallet. Some of the flasks were manufactured and date from the 1940's and 1950's, although the mercury at the Y–12 National Security Complex was transferred into new flasks in 1975.

DNSC, as custodian of the excess inventory of mercury, must decide on an approach for long term management or use of the material. As required by Council on Environmental Quality (CEQ) and DLA National Environmental Policy Act (NEPA) regulations, this decision must include consideration of a range of reasonable management alternatives and the environmental and socioeconomic impacts of those alternatives. Therefore, as announced in the Notice of Intent to prepare an environmental impact statement published in the **Federal Register** on February 5, 2001 (66 FR 8947), DNSC is evaluating a range of reasonable alternatives in the EIS. These alternatives include no action, and are likely to include consolidated long term storage, processing, disposal, and sales alternatives. Consolidated long term storage could occur at existing storage locations or at other locations. The purpose of this Notice is to determine if there is interest on the part of other federal agencies in hosting a consolidated storage facility. Consideration of any particular consolidation site in the EIS is not a guarantee of its selection. DNSC would likely hold public outreach (e.g., an EIS scoping meeting) in cooperation with the host agency to judge reaction to the proposal and would probably request that agency to be a cooperating agency under NEPA for the EIS.

Request for Expression of Interest: DNSC requests Expressions of Interest from federal agencies on locations for storage of approximately 4,890 tons (128,762, 76-lb flasks) of mercury. This request for expression of interest published, in today's **Federal Register**, is the first step in the process to consider alternative sites for consolidated long term storage of the mercury. This request will help to ensure that the resulting long term management options will consider all reasonable alternatives. Because DNSC expects that each Agency's submission and site would have unique characteristics associated with its proposal, terms and conditions of use of any site would be negotiated to the mutual satisfaction of both agencies.

DNSC will evaluate each submission to determine if it should be included as a reasonable alternative in the EIS, which will assess the environmental impacts of the various alternative management strategies. DNSC estimates that approximately 100,000 to 150,000 square feet of space would be required depending on the storage configuration to store the entire mercury stockpile with sufficient space between pallets to conduct routine inspections. DNSC requires that the space be in compliance with all current building codes and construction standards, and have a fire suppression system. In addition the temperature of the storage area must not exceed 70 degrees F; temperature can be limited by natural means or climate control. Since the mercury is an industrial commodity and the storage period to begin in 2003 and, for planning purposes, continue for 40 or more years.

DNSC requires the following information for each proposed storage location:

1. A map showing the location of the storage building on the site, nearby (within 10 miles) political boundaries, communities (especially minority, low income or Native American), roads, railroads, airports, water bodies, parkland, or other environmentally sensitive areas;

2. A description of the site, including ownership, current activities, access control system, hazardous materials handling experience, mercury handling experience, current tenants, previous

regulatory compliance problems, and existing environmental contamination;

3. A description of the storage building, if pre-existing, including date and type of construction including any special features which provide protection against leaks and external environmental hazards, fire suppression system, access control system, current activities and materials in storage, current tenants, and existing environmental contamination;

4. Equipment, materials, and labor required to upgrade or construct the facility to accept long term mercury storage;

5. Environmental and health and safety approvals required;

6. Estimated cost, including construction, operations, and decontamination. Include a description of the basis for the estimate, and any assumptions; and

7. Proposed schedule for providing a consolidation facility meeting the above requirements.

Expression of Interest Format: The length of the Expression of Interest should be no more than 30 pages using 12-point font. While the responder may determine how best to use the 30 pages, we recommend the following format: SECTION I—Summary; SECTION 2—Description of Location with specific reference to the items requested by DNSC above; SECTION 3—Qualifications and experience of respondents in mercury storage operations or operations of similar complexity. When describing similar work that has been performed, include the name of the organization, contract number if applicable, and name and telephone number of the organization's point of contact and contracting officer.

Proprietary Information: If the Expression of Interest contains information that is privileged or confidential and which the respondent does not want disclosed to the public or used by the Federal Government for any purpose other than this Notice, the respondent should place the following notice on the Expression of Interest. ''Notice: Data contained in these pages of this Expression of Interest have been submitted in confidence and contain trade secrets or commercial or financial information that is confidential or privileged, and such data should be used or disclosed only for purposes of consideration of this Expression of Interest. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the respondent.'' The respondent should mark the pages that are considered ''Proprietary Information''.

Submission: Agencies wishing to make an Expression of Interest should do so in writing by April 30, 2001, to ensure their consideration. Each submittal should consist of an original and three photocopies, and be mailed to Project Manager, Mercury Management EIS; DNSC–E; Defense Logistics Agency; Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 4616, Fort Belvoir, VA 22060–6223. DNSC will not consider attachments or appendices. Respondents may submit questions within 20 business days of this notice being published. Questions may be submitted by e-mail to dennis_lynch@hq.dla.mil or by fax to (703) 767–5411. Responses to questions will be posted on the Mercury Management EIS web site at www.mercuryeis.com. DNSC is under no obligation to pay for any costs associated with the preparation or submission of Expressions of Interest in response to this Notice. DNSC reserves the right to respond or not respond to any portion, all, or none of the Expressions of Interest submitted in response to this Notice.

Issued in Fort Belvoir, VA., on this 21st day of February, 2001.

Richard Connelly,

Administrator, Defense National Stockpile Center.

[FR Doc. 01–5171 Filed 3–2–01; 8:45 am]

BILLING CODE 3620–01–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

Pursuant to the provision of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) meeting described below.

TIME AND DATE OF MEETING: 9:00 a.m., March 28, 2001.

PLACE: The Defense Nuclear Facilities Safety Board, Public Hearing Room, 625 Indiana Avenue, NW, Suite 300, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Department of Energy (DOE) requires contractors at defense nuclear facilities to develop and implement quality assurance programs to ensure the requisite quality of operations, products, and services. Activities required to be conducted under established quality assurance programs extend from scientific studies, to the design of new facilities, operations of facilities, and deactivation of defense nuclear facilities and directly affect safety-related systems and operations. Notwithstanding contract and rule requirements concerning quality assurance, there is evidence that quality assurance programs at defense nuclear facilities are not consistently achieving their quality objectives.

The Defense Nuclear Facilities Safety Board (Board) intends to hold a series of open meetings on the topic of quality assurance within the DOE nuclear defense activities. Board inquiries will address (1) the current framework of DOE quality assurance programs relative to industry standards, and (2) results of DOE assessments of contractor implementation of quality assurance requirements.

CONTACT PERSON FOR MORE INFORMATION: Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Facilities Safety Board reserves its right to further schedule and otherwise regulate the course of this meeting, to recess, reconvene, postpone or adjourn the meeting, and otherwise exercise its authority under the Atomic Energy Act of 1954, as amended.

Dated: March 1, 2001.

John T. Conway,

Chairman.

[FR Doc. 01–5403 Filed 3–1–01; 12:51 pm]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.141A and 84.149A]

Notice Inviting Applications for New Awards for Fiscal year (FY) 2001 for the High School Equivalency Program (HEP) and the Colleges Assistance Migrant Program (CAMP)—Correction.

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001 for the high school equivalency program (HEP) and the college assistance migrant program (CAMP)—Correction.

SUMMARY: On January 25, 2001 a notice inviting applications for new awards for fiscal year (FY) 2001 for the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) was published in the **Federal Register** (66 FR 7748). This document corrects the *Deadline for Transmittal of Applications* and also corrects the *Deadline for Intergovernmental Review.* The new dates are shown below:

Deadline for Transmittal of Applications: April 23, 2001.

Deadline for Intergovernmental Review: June 23, 2001.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the application or to obtain information on the program, call or write Mary L. Suazo, U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, 400 Maryland Avenue, SW., Room 3E227, FOB 6, Washington, DC 20202–6135. Telephone Number: (202) 260–1396. Inquiries may be sent by e-mail to mary_suazo@ed.gov or by FAX at (202) 205–0089. A copy of the application can be obtained electronically at: *http://www.ed.gov/grantapps*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Program Authority: 20 U.S.C. 1070d–2.

Dated: February 28, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–5255 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.341]

Grants and Cooperative Agreements; Availability, etc.

AGENCY: Office of Vocational and Adult Education.

ACTION: Notice inviting applicants to serve as field readers for the Community Technology Centers Program.

SUMMARY: The Office of Vocational and Adult Education (OVAE) invites interested individuals to apply to serve as field readers to evaluate grant applications for the Community Technology Centers Program. The purpose of the Community Technology Centers Program is to increase access to information technology and related educational services for adults and children in economically distressed low-income urban and rural communities through grants to establish or expand community technology centers.

DATES: Interested individuals are strongly encouraged to apply by April 15, 2001.

SUPPLEMENTARY INFORMATION: Detailed information on the program is available online at: http://ed.gov/offices/OVAE/CTC.

Duties and Compensation of Field Readers: Field readers will review applications according to the applicable selection criteria. It is expected that reviewers will be mailed applications and materials, oriented in a telephone conference call, assigned to a panel, and given a set period of time to review applications. Panel discussions with other reviewers will take about five hours and will also be conducted by telephone conference call. Each field reader who is selected will receive compensation for the review.

Field Reader Qualifications: The Department is seeking experienced and knowledgeable professionals who are current with issues regarding the provision of computers and technology to residents of low-income urban and rural communities. These professionals should be familiar with issues dealing with the start-up and expansion of community technology centers; use of technology in adult, preschool, elementary or secondary education programs; technology and technology management; or community development and outreach to residents of low-income communities.

Prospective field readers may include technology providers, administrators, and experts; individuals with experience in use of technology in preschool, elementary, secondary or adult education; individuals from State and district agencies, early childhood, elementary and secondary education, institutions of higher education, and community-based organizations and agencies; and individuals with experience in providing access to technology in low-income communities. Each field reader must have the expertise necessary to accurately assess an applicant's submission on the applicable selection criteria.

The Community Technology Centers Program will be participating in a pilot of e-Reader, the Department's electronic field reading initiative. Readers will be required to have unrestricted access to a computer with Internet accessibility and a printer. In addition, a reader should be able to navigate a World Wide Web browser, be able to complete and submit on-line forms, and be able to send and receive e-mail.

Conflict of Interest: You may not serve as a reviewer if you or your spouse plan to submit a grant application under the program in Fiscal Year (FY) 2001 and you will be paid by the grant if awarded, and/or you or your spouse otherwise have a financial interest in the outcome of the FY 2001 grant competition.

Application Process: If you are interested in serving as a field reader, mail, fax or e-mail a copy of your resume to the address listed below and indicate that you are interested in serving as a field reader for the Community Technology Centers Program. Resumes should not exceed two pages and should include an e-mail address. A cover letter should highlight any experience the individual may have had as a reader in other competitions and any special knowledge and skills that are applicable for the review of applications under this competition.

FOR FURTHER INFORMATION CONTACT: Community Technology Centers Program, Division of Adult Education and Literacy, Office of Vocational and Adult Education, U.S. Department of Education, Washington, DC 20202–7240. Resumes and inquiries may be sent by e-mail to *ctc@ed.gov* or by Fax to: (202) 205–8973. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audio tape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Program Authority: 20 U.S.C. 6832.

Dated: February 28, 2001.

Robert Muller,

Deputy Assistant Secretary for Vocational and Adult Education.

[FR Doc. 01–5256 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. 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: Thursday, March 15, 2001, 5:30 p.m.–9 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration and waste management activities.

Tentative Agenda

5:30 p.m. Informal Discussion
6:00 p.m. Call to Order, Introductions
6:10 p.m. Approve Minutes
6:20 p.m.
Site Manager's Comments—Environment Safety & Health Issues, Investigation
Board Discussion
Public Comments
6:50 p.m. Project Status Updates—Environmental Management & Enrichment Facilities Project Updates; Waste Disposition
7:15 p.m.
Presentations
Scrap Metal Engineering Evaluation/Cost Analysis; North-South Diversion Ditch
8:15 p.m. Administrative Issues
8:30 p.m.
SSAB Subcommittee Reports
Community Concerns and Relations
Membership
Finance
9:00 p.m. Adjourn

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 John D. Sheppard at the address or 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 Designated Federal Officer 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 as the first item of the meeting agenda. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that needed 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 at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8 a.m. and 5 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on February 28, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–5238 Filed 3–2–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3144–003, et al.]

Alliance Companies, et al.; Notice of Convening Session

February 27, 2001.

In the matter of Alliance Companies, Docket Nos. ER99–3144–003, ER99–3144–004 and ER99–3144–005; American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Docket Nos. EC99–80–003, EC99–80–004, and EC99–80–005; The Detroit Edison Company; First Energy Corporation on behalf of: The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company; Virginia Electric and Power Company; and Consumers Energy Company, Docket Nos. ER00–2869–000 and EC00–103–000 (not consolidated). Notice of Convening Session.

Pursuant to the order in *Alliance Companies, et al.*, 94 FERC ¶ 61,070 (2001), the Commission directed parties with grandfathered contracts whose terms extend beyond the transition period to negotiate amendments or termination of such contracts. To assist the parties, the Commission directed the Director of the Commission's Dispute Resolution Service (DRS) to convene a meeting of the parties to explore the use of an ADR process to foster negotiation and agreement.

The convening session in this matter will be held on March 5, 2001 at the Federal Energy Regulatory Commission located at 888 First Street, NE., Washington, DC. The conference will begin at 11:00 a.m. in Room 3M–2A. Any questions with respect to the convening session should be directed to Amy Blauman. Her telephone number is (202) 208–2143 and her e-mail address is *Amy.Blauman@ferc.fed.us*

The purpose of the convening session will be to explore options for renegotiating or terminating the relevant grandfathered contracts, as directed by the Commission. In addition, the meeting will explore whether any future sessions should be held with all parties

or with individual transmission companies and contracting parties.

David P. Boergers,

Secretary.

[FR Doc. 01–5177 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–1326–004, ER99–238–004, ER99–4534–004, and ER00–982–006]

Central Maine Power Company; Notice of Filing

February 27, 2001.

Take notice that on February 16, 2001, Central Maine Power Company (CMP) tendered for filing with the Federal Energy Regulatory Commission (Commission) a supplemental information filing that revises certain data for the 1998 and 1999 test years that are used to develop the rates charged for services taken under Schedule No. 14 of CMP's OATT.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest 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). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine 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. This filing may also be viewed on the Internet 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5240 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–946–001]

Doyle I, L.L.C.; Notice of Filing

February 27, 2001.

Take notice that on February 16, 2001, Doyle I, L.L.C. (Doyle), tendered for filing a supplemental letter to denote typographical errors in its January 12, 2001 filing, as well as to update the cost support included in the filing. On January 12, 2001, Doyle filed with the Commission a revised cost-based rate to its FERC Electrric Rate Schedule No. 1, the Power Purchase and Sale Agreement, as amended (PPSA), executed by Doyle and Oglethorpe Power Corporation (an electric membership corporation), on May 25, 1999 (Rate Schedule). Doyle adjusted a rate under its Rate Schedule, as agreed-to by the parties to the PPSA, to reflect the change in the Producer Price Index (PPI) for calendar year 2000.

Copies of the filing were served upon Oglethorpe and on the Georgia Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest 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). All such motions and protests should be filed on or before March 9, 2001. Protests will be considered by the Commission to determine 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. This filing may also be viewed on the Internet 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5239 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–90–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

February 27, 2001.

Take notice that on February 21, 2001, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP01–90–000 a request pursuant to Sections 157.205, 157.208(b)(2), and 157.211(b)(2) of the Commission's Regulations (18 CFR 157.205, 157.208 and 157.211) under the Natural Gas Act (NGA) for authorization to construct, own and operate lateral line and delivery point facilities to facilitate deliveries of natural gas to shippers to serve two gas-fired electric generation facilities, referred to as the Arlington Valley/Redhawk Project in Maricopa County, Arizona, under El Paso's blanket certificate issued in Docket No. CP82–435–000, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/htm* (call 202–208–2222 for assistance).

El Paso requests authorization to construct and operate two meter stations and approximately 6.67 miles of 20-inch, 24-inch and 26-inch diameter pipeline to serve the two electric power plants. It is indicated that Redhawk Power Plant, to be operated by Pinnacle West Corporation West Corporation (Pinnacle), will be a 2,120 megawatt, gas-fired facility requiring 410,000 Mcf per day, with a scheduled test date of October 1, 2001, and an anticipated in-service date of June 1, 2002. It is also indicated that the Arlington Valley facility, to be operated by Duke Energy Maricopa LLC (Duke), will be a 1,000 megawatt gas-fired electrical facility, will require approximately 210,000 Mcf per day, with a scheduled test date of October 1, 2001, and an in-service date of June 1, 2002.

El Paso indicates that Pinnacle is a full-requirements customer entitled to request natural gas transportation service sufficient to supply its requirements in serving its power plants. It is stated that the new delivery point will permit Pinnacle to request firm transportation service from all receipt points on its system to the Redhawk Power Plant. El Paso states that it is not aware of the nature of the

upstream arrangements that will be made by Duke, but that Duke may either make arrangements to obtain bundled gas supplies, acquire capacity as a result of El Paso's recent right-of-first-refusal posting or acquire capacity from the active capacity release market.

El Paso estimates the facility costs at $7,661,700 to be reimbursed by the shippers. El Paso indicates that the construction and operation of the above-facilities is not prohibited by its tariff.

Any questions regarding the application may be directed to Robert T. Tomlinson at (915) 496–2600.

Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA. 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. 01–5179 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–404–000]

Texas Eastern Transmission Corporation; Notice of Availability of the Environmental Assessment for the Proposed Columbia Liberty Project

February 27, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission Corporation (Texas Eastern) in the above referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the environmental effects of the construction and operation of the proposed facilities in Chester and Delaware Counties, Pennsylvania. These facilities would consist of investigating and replacing or repairing 37 anomaly sites on Texas Eastern's existing 20-inch-diameter Line 1–A, constructing 3,086 feet of new pipeline, constructing a meter station, modifying piping at Chester Junction, and adding 4,000 horsepower of electric driven compression at Texas Eastern's existing Eagle Compressor Station.

The facilities would supply 84,000 decatherms per day of natural gas to the nonjurisdictional Columbia Liberty Electric Generating Plant being developed by PG&E Energy Trading—Power, L.P. and Liberty Electric Power, LLC in Delaware County, Pennsylvania.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

1. Send original and two copies of your comments to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

2. Label one copy of the comments for the attention of the Gas 1, PJ–11–1;

3. Reference Docket No. CP00–404–000; and

4. Mail your comments so that they will be received in Washington, DC on or before March 29, 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 website 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 which can be created by clicking on ''Login to File'' and then ''New user Account''.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). 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 comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–0004 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 CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–5178 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 27, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* P–1494–228.

c. *Date Filed:* February 7, 2001.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayers, and Ottawa Counties, Oklahoma. this project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bob Sullivan, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–55545.

i. *FERC Contact:* James Martin at *james.martin@ferc.fed.us,* or telephone (202) 308–1046.

j. *Deadline for filing comments, motions, or protests:* March 28, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426. 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.*

Please include the project number (P–1494–228) on any comments or motions filed.

k. *Description of Project:* Grand River Dam Authority, licensee for the Pensacola Project, requests approval to grant permission to Shangri-La Marina to install two new docks with 60 slips, and replace and reconfigure five existing docks to add 17 new slips. The modifications would all a total of 77 new slips and would result in a total facility configuration of 15 docks with 270 slips. The proposed project is on Grand Lake O' the Cherokees in Section 15, Township 24 North, Range 23 East, Delaware County.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NW, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–5180 Filed 3–2–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00704; FRL–6767–1]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: There will be a 1–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of issues being considered by the Agency pertaining to the LifeLine® Model System Operation Review as a tool for dietary and residential pesticide exposure and risk assessments.

DATES: The meeting will be held on March 28 from 8:30 a.m. toapproximately 4:30 p.m.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. The telephone number for the Sheraton Hotel is (703) 486–1111. Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number 0PP–00704 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Designated Federal Official, Office of Science Coordination and Policy, (7202C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5369; fax number: (703) 605–0656; e-mail address: odiott.olga@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, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Food Quality Protection Act (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding theapplicability of this action to a particular entity, consult the person listed above under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* A meeting agenda and copies of EPA primary background documents for the meeting will be available by February 28. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA/SAP Internet Home Page at http://www.epa.gov./scipoly/sap/. To access this document, on the Home Page, select **Federal Register** Notice Announcing

This Meeting. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedregstr/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00704. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the review of key features of the LifeLine® Model, including any information claimed as Confidential Business Information (CBI). This administrative 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 administrative record, which includes printed, paper versions of any electronic comments thatmay be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How Can I Request to Participate in this Meeting?

The meeting is open to the public. Seating at the meeting will be on a first-come basis. individuals requiring special accommodations at this meeting , including wheelchair access, should contact Olga Odiott at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00704 in the subject line on the first page of your request. Members of the public wishing to submit comments should contact the person listed above under **FOR FURTHER INFORMATION CONTACT** to confirm that the meeting date and agenda have not been modified. Interested persons are permitted to file written statements before the meeting. To the extent that time permits, and upon advance written request to the persons listed under **FOR FURTHER INFORMATION CONTACT**, interested persons may be permitted by the Chair of the FIFRA Scientific Advisory Panel to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard, etc.). There is no limit on the extent of written comments for consideration by the Panel, but oral statements before the panel are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral or written statements at the meeting should contact the persons listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies of their presentation and/or remarks to the Panel. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the timenecessary to consider and review the comments.

1. *By mail*. You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your request electronically by e-mail to: ''opp-docket@epa.gov.'' Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00704. You may also file a request online at many Federal Depository Libraries.

II. Background

A. Purpose of the Meeting

This 1–day meeting concerns scientific issues undergoing consideration within the EPA Office of Pesticide Programs (OPP). The purpose of this meeting is the review of key features of the LifeLine® Model to include the software code, data requirements, data inputs, and output reports. The presentation will focus on the operating system and will solicit panel comments and advice with respect to the transparency and operation of the model. LifeLine® is a model for assessing aggregate and cumulative exposures and risks from pesticides. Previous SAP presentations for LifeLine® focused on model design (September 1999) and model utility(September 2000). To assist the Panel in the evaluation of LifeLine® each Panel member will be provided a copy of the LifeLine® software and supporting documentation. The Panel will also be provided with hypothetical, yet representative, residue and toxicological data sets for assessing aggregate and cumulative exposure and risk via the dietary, residential, and drinking water pathways. Interested public parties can obtain a copy of the LifeLine® software by contacting the LifeLine Group, Inc., at http://www.hrilifeline.org. This program is copyrighted and there will be a charge for a copy of the program.

B. Panel Report

Copies of the Panel's report of their recommendations will be available approximately 45 working days after the meeting, and will be posted on the FIFRA SAP web site or may be obtained by contacting the Public Information Records Integrity Branch (PIRIB) at the address and telephone listed under Unit I of this document.

List of Subjects

Environmental protection, Aggregate risk assessment, Cumulative risk assessment, Exposure models.

Dated: February 13, 2001.

Steven K. Galson,

Director, Office of Science Coordination and Policy.

[FR Doc 01–5235 Filed 3–2–01; 8:45 a.m.]

BILLING CODE 6560–50–S

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in

McLean, Virginia, on March 8, 2001, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kelly Mikel Williams, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- February 21, 2001 (Open and Closed)

B. Reports

- FCS Building Association's Quarterly Report
- Corporate Approvals

C. New Business

1. Regulation

- Stock Issuance [12 CFR Parts 611 and 615] (Final)

1. Other

- Conversion of Central Oklahoma FLCA
- Consolidation of AgCredit of California PCA/FLCA and Intermountain PCA/FLCA

Dated: February 20, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–5390 Filed 3–1–01; 11:51 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 13, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 4, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0970.

Title: Section 90.621(e)(2).

Form No.: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit; State, Local or Tribal Governments.

Number of Respondents: 1,000.

Estimated Time Per Response: .5 hour per response.

Total Annual Burden: 500 hours.

Total Annual Cost: None.

Needs and Uses: The information requested requires applicants proposing to modify operations to use channels for commercial purposes in certain frequency bands in 800 MHZ to provide written notice of the modification to all Public Safety licensees within 70 miles of the site of the channels for which the authorization for commercial use is sought that operate within 25 kHz of the center of those channels.

OMB Approval Number: 3060–xxxx.

Title: Sections 90.35(b)(2) & 90.175(b)(1).

Form No.: N/A.

Type of Review: New Collection.

Respondents: Businesses or other for-profit; State, Local or Tribal Governments.

Number of Respondents: 3,800.

Estimated Time Per Response: 1 hour per response.

Total Annual Burden: 3,800 hours.

Total Annual Cost: None.

Needs and Uses: The information requested requires applicants proposing to operate a land mobile radio station that have service contours that overlap an existing land mobile station obtain written concurrence of the frequency coordinator associated with the industry for which the existing station license was issued, or the written concurrence of the licensee of the existing station.

OMB Approval Number: 3060–xxxx.

Title: Standards for Co-channel and Adjacent Channel Interference in the Land Mobile Radio Services.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Businesses or other for-profit;.

Number of Respondents: 19.

Estimated Time Per Response: 40 hour per response.

Total Annual Burden: 760 hours.

Total Annual Cost: None.

Needs and Uses: The information requested requires frequency coordinators to arrive at consensus standards for co-channel and adjacent channel interference and to report these standards to the Commission. This represents a one-time effort on the part of the frequency coordinators.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–4211 Filed 3–2–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–517]

Consumer/Disability Telecommunications Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the first meeting date, agenda, and membership of the Consumer/Disability Telecommunications Advisory Committee (hereinafter ''the Committee''), whose purpose is to make recommendations to the Commission regarding consumer and disability issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations) in proceedings before the Commission.

DATES: The first meeting of the Committee will take place on March 26, 2001, from 9 a.m. to 4:30 p.m.

ADDRESSES: The Committee will meet at the Federal Communications Commission, Room TW–C305, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Federal Designated Officer, Consumer/Disability Telecommunications Advisory Committee, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Telephone 202–418–2809 (voice) or 202–418–0179 (TTY). Email: cdtac@fcc.gov.

SUPPLEMENTARY INFORMATION: By public notice dated February 28, 2001, the Commission announced the first meeting date, meeting agenda, and membership of its Consumer/Disability Telecommunications Advisory Committee. The establishment of the Committee had been announced by Public Notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR76265, December 6, 2000).

Availability of Copies and Electronic Accessibility

A copy of the February 28 notice is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. It is also posted on the Commission's website at *www.fcc.gov/cib/cdtac*. The Committee meeting will be broadcast on the Internet in Real Audio/Real Video format with captioning at *www.fcc.gov/cib/cdtac*. The meeting will be sign language interpreted and realtime transcription will also be available. The meeting site is fully accessible to people with disabilities. Copies of meeting agendas and handout material will also be provided in accessible formats. Meeting minutes and transcripts will be available for public inspection at the FCC headquarters building and will be posted on the Commission's website at *www.fcc.gov/cib/cdtac*. During its first meeting, members of the Committee will:

- Receive welcome messages from the Chairman and Commissioners;
- Clarify the Committee's roles and responsibilities;
- Establish various subcommittee working groups and confirm membership thereof;
- Define, clarify, and prioritize issues for which each subcommittee working group is responsible; and
- Clarify the next steps for the work of the Committee.

Membership of the Committee and Chairperson

The Commission previously requested nominations for membership in the Committee. See Public Notice, DA 00–2692, 65 FR 76265 (December 6, 2000). The Commission considered all applications for membership filed in response to the Notice and selected the members named below. Because the Committee includes individuals (including individuals with disabilities or their advocacy organizations), industry, trade associations, and consumer groups, the Committee's membership will be impartial and well balanced. Pursuant to Section K of the Committee's Charter, FCC Chairman Michael K. Powell has appointed Shirley L. Rooker, President, Call For Action, as the Committee Chairperson.

Committee Membership

Federal Designated Officer

Scott Marshall

Organizations

AARP
Alliance for Public Technology
American Council of the Blind
AT&T
California Department of Rehabilitation
Call For Action
Cellular Telecommunications & Internet Association
Cingular Wireless, LLC
Communication Service for the Deaf
ConnectBid, LLC
Consumer Action
Ericsson, Inc.
Gallaudet University
Gila River Telecommunications, Inc.
Hewlett-Packard Company
Inclusive Technologies
Information Technology Technical Assistance and Training Center
Microsoft Corporation
Mitsubishi Electric America Foundation
National Association of Broadcasters
National Cable Television Association
National Consumers' League
National Association of State Relay Administration
National Urban League
NCR Corporation
Nokia, Inc.
Qwest Communications International, Inc.
Rainbow/PUSH Coalition and Citizen Educational Fund
San Carlos Apache Tribe
Self Help for Hard of Hearing People
Smithsonian Center for Latino Initiatives
Sprint Corporation
Telecommunications Research & Action Center
Tripod Captioned Films
Wynd Communications Corporation

Individuals

Shelley Nixon
Kathleen O'Reilly

Committee meetings will be open to the public and interested persons may attend the meetings and communicate their views. Members of the public will have an opportunity to address the Committee on issues of interest to them and the Committee. Members of groups or individuals who are not members of the Committee will also have the opportunity to participate in work conducted by subcommittees of the Committee. Notices of future meetings of the Committee will be published in the **Federal Register**.

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Bureau Chief, Consumer Information Bureau.

[FR Doc. 01–5228 Filed 3–2–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.''

DATES: Comments must be submitted on or before May 4, 2001.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. All comments should refer to ''Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.'' Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on

F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Extensions of Credit to Executive Officers, Unsafe and Unsound Practices.

OMB Number: 3064–0108.

Frequency of Response: Annually.

Affected Public: All financial institutions.

Estimated Number of Respondents: 4,000.

Estimated Number of Responses: 8,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 8,000 hours.

General Description of Collection: The information collection and recordkeeping requirements are mandated by statute and take the form of (1) a report by executive officers of insured nonmember banks to their boards of directors within 10 days of incurring any indebtedness to any other bank in an amount in excess of the amount the insured nonmember bank could lend to the officer, and (2) a report from insured nonmember banks, included with their reports of condition filed with the FDIC, on any extensions of credit made by the bank to its executive officers since the bank filed its last report of condition.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 28th day of February, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5243 Filed 3–2–01; 8:45 am]

BILLING CODE 6714–01–U

FEDERAL MARITIME COMMISSION

[Docket No. 01–03]

Pactrans Air & Sea, Inc. v. Altraco, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (''Commission'') by Pactrans Air & Sea, Inc. (''Complainant'' or ''Pactrans'') against Altraco, Inc. (''Respondent'').

Complainant is a non-vessel-operating common carrier ocean transportation intermediary. Among other things, Complainant alleges that Respondent knowingly and willfully violated section 10(a)(1) of the Shipping Act of 1984, as amended, (''Shipping Act'') by causing Pactrans to lose its maritime lien and by using an unfair device or means to gain free transportation. Complainant asks that the Commission issue an order against Respondent finding it in violation of the Shipping Act. Complainant also asks for an order compelling Respondent to make reparations to Complainant in an amount to be proved at an administrative hearing, plus interest, costs, and reasonable attorneys' fees; an order holding that the Respondent's activities described in the complaint are unlawful and in violation of section 10(a)(1) of the Shipping Act and ordering that Respondent cease and desist from such unlawful activities; and such other and further relief as the Commission deems just and proper. Complainant requests that hearing be held in Washington, DC.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 25, 2002, and the final decision of the Commission shall be issued by June 25, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–4929 Filed 3–2–01; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 01–02]

Notice of Filing of Complaint and Assignment

In the matter of Transworld Shipping (USA), Inc. v. FMI Forwarding (San Francisco), Inc. a/k/a Inter-Maritime Forwarding Co. (San Francisco), Inc. and Inter-Maritime Forwarding Company, Incorporated—A Division of Union-Transport Corporation, a/k/a Inter-Maritime Forwarding Co., Inter-Maritime Container Line and Union-Transport Corporation; Notice of Filing of Complaint and Assignment.

Notice is given that a complaint has been filed with the Federal Maritime Commission (''Commission''), by Transworld Shipping (USA), Inc., (''Complainant''), against FMI Forwarding (San Francisco, Inc. a/k/a Inter-Maritime Forwarding Co. (San Francisco), Inc. (''FMI''), Inter-Maritime Forwarding Company, Incorporated A Division of Union-Transport Corporation, a/k/a Inter-Maritime Forwarding Co., Inter-Maritime Container Line (''IMF''); and Union-Transport Corporation (''Union-Transport) (collectively, ''Respondents'').

Complainant is a non-vessel-operating common carrier Ocean Transportation Intermediary. Among other things, Complainant alleges that the Respondents violated sections 10(a)(1) and 10(d)(1) of the Shipping Act of 1984 and several of the Commission's freight forwarder regulations at 46 CFR part 515 by engaging in a pattern of deceit by booking cargo and mis-representing that ocean freight charges would be paid, thereby inducing Complainant to

provide ocean transportation service and to advance credit when Respondents had no intent to, or were aware that payment would not be made to Complainant. Complainant further alleges that Respondents misrepresented business arrangements and engaged in a patter of delay in order to enable them to collect shipper freight charges that they would not have been able to obtain if the involved shippers and Complainant had been apprised of the true facts as to their future activities. Complainant further alleges that Respondents filed a petition for bankruptcy in order to obfuscate and obstruct creditors' investigation and recovery of funds. As a result of Respondents' violation, Complainant asserts that it has been unable to fully recover ocean freight charges and has been further required to expend substantial sums of money investigating the Respondents' activities.

Complainant asks that the Respondents be held liable to Complainant for damages in an amount determined by the Commission but no less than $22,630.76 plus prejudgment interests, costs and reasonable attorney's fees. Complainant also asks that the Commission award it such further and other relief as the Commission deems just and appropriate in the circumstances. Complainant requests that hearing be held either in Washington, DC or Los Angeles, CA.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 20, 2002, and the final decision of the Commission shall be issued by June 20, 2002.

Brian L. VanBrakle,

Secretary.

[FR Doc. 01–4930 Filed 3–2–01; 8:45 am]

BILLING CODE 6730–01–M

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 30, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Rivoli BanCorp, Inc., Macon, Georgia; to become a bank holding company by acquiring at least 80 percent of the voting shares of Rivoli Bank & Trust, Macon, Georgia.

Board of Governors of the Federal Reserve System, February 28, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5271 Filed 3–2–00; 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 20, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:.

1. The Bank of New York Company, Inc., New York, New York; J.P. Morgan Chase & Co, New York, New York; Citizens Banking Corporation, Flint, Michigan; Comerica Incorporated, Detroit, Michigan; FleetBoston Financial Corp., Boston, Massachusetts; HSBC Holdings plc, London, England; HSBC Finance (Netherlands), London, U.K.; HSBC Holdings BV, Amsterdam, Netherlands; HSBC North America Inc., Buffalo, New York; HSBC USA Inc., Buffalo, New York; and Summit Bancorp, Princeton, New Jersey; all to acquire through NYCE Corporation, Woodcliff, New Jersey, voting interests in SecureAccess Company, LLC, a Delaware limited liability company that will implement a secure Internet payment and authentication system and its related product applications, and distribute such systems and applications worldwide. NYCE proposes

to directly engage in SAC-related activities, including the marketing and sale of the secure Internet payment and authentication system, and its related product applications. Notificant also will engage in data processing and related services to facilitate transactions among consumers or between consumers and commercial entities using various media such as the Internet, hand-held wireless devices, telephone systems and other account access means made available by participating financial institutions, pursuant to § 225.28(b)(14) of Regulation Y.

Board of Governors of the Federal Reserve System, February 28, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5270 Filed 3–2–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (est) March 12, 2001.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the February 12, 2001, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Date: February 27, 2001.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 01–5302 Filed 2–28–01; 4:28 pm]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Officer on (202) 690–6207.

Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (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.

Proposed Projects 1. State Children's Health Insurance Program Focus Group Study—NEW—As part of an evaluation of the State Children's Health Insurance Program (SCHIP), the Office of the Assistant Secretary for Planning and Evaluation is proposing the collection of qualitative data by conducting a series of 52 focus groups in nine states. The 52 focus groups comprised of low income families will each consist of 8–10 participants. The purpose of this study is to identify factors which influence enrollment in, and disenrollment from Medicaid and SCHIP.

Activity	Number of respondents	Time per response (minutes)	Frequency	Total burden (hours)
Screen	6,240	6	1	624
Registration Form	468	5	1	39
Focus Group	468	150	1	1,170
Total				1,833

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 60 days of this notice.

Dated: February 21, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–4926 Filed 3–2–01; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Uniform Relocation and Real Property Acquisition under Federal and Federally-assisted Programs (45 CFR part 15)—0900–0150—Extension—HHS has adopted standard government-wide regulations on acquisition of real property and relocation of persons thereby displaced. Federal agencies and State and local governments must maintain records of their displacement activities sufficient to demonstrate compliance with these regulations. *Respondents:* State or local governments; *Annual Number of Respondents:* one; *Frequency of Response;* once; *Burden:* one hour.

2. HHS Acquisition Regulations: HHSAR Section 352.270–9 and Section 352.223–70—0990–0128—Revision—This clearance request addresses reporting and recordkeeping requirements for acquisitions involving care of laboratory animals (Section 352.270–9) or safety and health (Section

352.223–70) Burden Information for Section 352.270–9—*Annual Number of Respondents;* 63; *Burden Per Response:* 10 hours; *Annual Frequency of Response:* one time; *Annual Burden for Section 352.270–9;* 630 hours—*Burden Information for Section 352.223–70—Annual Number of Respondents:* 59; *Frequency of Response:* one time; *Burden Per Response:* 8 hours; *Annual Burden for Section 352.223–70;* 472 hours. *Total Burden for 0900–0128:* 1,102 hours. *OMB Desk Officer:* Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC, 20201. Written comments should be received within 30 days of this notice.

Dated: February 13, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–4927 Filed 3–2–01; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Request for State Data Needed to determine the Amount of a Tribal Family Asistance Grant.

OMB No.: 0970–0173

Description: This document consists of a letter to the States' requesting data to determine the amount of a Tribal Family Assistance Grant.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request	20	1	40	840

Estimated Total Annual Burden Hours: 840.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 26, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5162 Filed 3–2–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Guidance for the Tribal Assistance For Needy Families Program.

OMB No: 0970–0157.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act—the Act—as amended by Pub. L. 104–193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996—PRWORA) gives Federally recognized Indian Tribes "* * * with an approved plan * * *" the opportunity to administer a Tribal Temporary Assistance for Needy Families (Tribal TANF) program. This document provides guidance to Tribes seeking to develop a plan which may be approved.

Respondents: American Indian Tribes that want to establish and administer their own TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Guidance for Tribal Assistance for Needy Families Program	20	1	54	1,080
Estimated Total Burden				1,080

Additional Information

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after

publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 27, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5234 Filed 3–2–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1441]

Agency Information Collection Activities; Announcement of OMB Approval; Infant Formula Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Infant Formula Requirements'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 9, 2000 (65 FR 67388), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0256. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 23, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–5158 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1257]

International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization Scheduling Recommendations for 4-Bromo-2,5-dimethoxyphenethylamine (2C–B); Gamma-hydroxybutyric acid (GHB); 4-Methylthioamphetamine (4-MTA); Zolpidem (INN)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing interested persons with the opportunity to submit written comments concerning recommendations by the World Health Organization (WHO) to impose international manufacturing and distribution restrictions, under international treaties, on certain drug substances. The comments received in response to this notice will be considered in preparing the U.S. position on these proposals for a meeting of the United Nations Commission on Narcotic Drugs (CND) in Vienna, Austria, March 20 to 29, 2001. This notice is issued under the Controlled Substances Act.

DATES: Submit written comments by March 15, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. To ensure expeditious review of written comments, send a copy by facsimile or e-mail to: James R. Hunter (address below).

FOR FURTHER INFORMATION CONTACT: James R. Hunter, Controlled Substances Staff (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2098, Fax: 301–443–9222, e-mail: hunterj@cder.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (the Convention). Section 201(d)(2)(B) of the Controlled Substances Act (the CSA) (21 U.S.C. 811(d)(2)(B)) provides that when the United States is notified under Article 2 of the Convention that CND proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete it from the schedules, the Secretary of State must transmit notice of such information to the Secretary of Health and Human Services (HHS). The Secretary of HHS must then publish a summary of such information in the **Federal Register** and provide opportunity for interested persons to submit comments. The Secretary of HHS must then evaluate the proposal and furnish a recommendation to the Secretary of State that shall be binding on the representative of the United States in discussions and negotiations relating to the proposal.

As detailed below, the Secretary of State has received notification from the Secretary-General of the United Nations (the Secretary-General) regarding substances to be considered for control under the Convention. The notification reflects the recommendations from the 31st WHO Expert Committee for Drug Dependence (ECDD), which met in June 1998. In the **Federal Register** of April 28, 2000 (65 FR 24969), FDA announced the WHO ECDD review, and the agency invited interested persons to submit information for WHO's consideration.

The full text of the notification from the Secretary-General is provided in section II of this document. Section 201(d)(2)(B) of the CSA requires the Secretary of HHS, after receiving a notification proposing scheduling, to publish a notice in the **Federal Register** to provide the opportunity for interested persons to submit information and comments on the proposed scheduling action.

II. United Nations Notification

The formal United Nations notification that identifies the drug substances and explains the basis for the recommendations is reproduced below.

Notification on 2C-B, 4-MTA, GHB and Zolpidem: Reference: NAR/CL.26/2000 CU 2000/240.

C1971/WHO
UNDCP 42nd CND
TLACSB/CNDS–40/00

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of

America and has the honour to inform the Government that, pursuant to article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances, 1971, he has received a notification from the World Health Organization (WHO) concerning proposed recommendations for international control in respect of the following four substances: 2C-B, 4-MTA, GHB and zolpidem.

In accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General is transmitting the text of that notification as an annex to the present note.

As will be seen from the notification and the attached assessments and recommendations, WHO recommends that 2C-B be included in Schedule II, 4-MTA in Schedule I, and GHB and zolpidem in Schedule IV of that Convention.

Article 2, paragraph 1, of the Convention reads:

> If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

Article 2, paragraph 4, reads:

> If the World Health Organization finds: (a) That the substance has the capacity to produce (i)(1) a state of dependence and (2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or (ii) similar abuse and similar ill effects as a substance in Schedule I, II, III or IV, and (b) That there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

Pursuant to article 2, paragraph 2, of the Convention, the notification, together with the assessments and recommendations from WHO as well as any data received from Governments on any of these substances, will be brought to the attention of the Commission on Narcotic Drugs at its forty-fourth session in March 2001. Any action or decision taken by the Commission with respect to that notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course.

Article 2, paragraph 5, of the Convention reads:

> The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

The Secretary-General would appreciate it if the Government would submit data on seizures of any of these substances or on the existence of clandestine laboratories manufacturing them. Such data would assist the Commission in its consideration of possible international control of some or all of the substances under review.

In order to further assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling of these four substances could be communicated by 12 December 2000 to the Executive Director of the United Nations International Drug Control Programme, c/o Commission on Narcotic Drugs Secretariat Section, P.O. Box 500, A–1400 Vienna, Austria, fax: 43–1–26060–5885.

2 November 2000
NAR/CL.26/2000

Annex—Note Dated 4 October 2000 Addressed to the Secretary-General by the Director-General of the World Health Organization

The Director-General of the World Health Organization presents her compliments to the Secretary-General of the United Nations and has the honour to submit, in accordance with Article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances, 1971, assessments and recommendations of the World Health Organization, as set forth on the annex hereto, concerning the proposed international control in respect of 2C-B, 4-MTA, GHB, and zolpidem.

The Director-General of the World Health Organization avails herself of this opportunity to renew to the Secretary-General of the United Nations the assurances of her highest consideration.

2C-B (4-Bromo-2,5-dimethoxyphenylethylamine) Substance identification

2C-B is chemically 4-bromo-2,5-dimethoxyphenylethylamine; 2-(4-bromo-2,5-dimethoxyphenyl) ethylamine (CAS 66142–81–2). Other names include: α-desmethyl DOB; BDMPEA; MFT; Erox; Nexus; Performax. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

Similarity to Known Substances and Effects on the Central Nervous System

2C-B has structural and pharmacological similarities to brolamfetamine and mescaline. 2C–B is a selective partial agonist for 5-HT_{2A}- and 5-HT_{2C}-serotonin receptors. In humans, 2C–B is more potent than mescaline but less potent than brolamfetamine. In low doses it has sensory enhancing effects: skin sensitivity, heightened responsiveness to smells, tastes and sexual stimulation. In higher doses 2C-B is a strong hallucinogen. 2C-B produces particularly marked visual hallucinations with an intense colour play, intriguing patterns emerging on surfaces and distortions of objects and faces. It was reported to enhance sexual feelings, sexual perception and performance.

Dependence Potential

There are no animal or human studies about the dependence potential of 2C-B.

Actual Abuse and/or Evidence of Likelihood of Abuse

In the 1990s, 2C-B was sold as an aphrodisiac in several countries and some abuse of 2C-B has been reported by a number of countries. These suggest that 2C-B has modest abuse liability like other hallucinogens. Although hallucinogens are rarely associated with compulsive use or dependent use, they are known to have modest abuse potential, particularly in polydrug abusers.

Therapeutic Usefulness

Apart from the controversial experimental use to facilitate psychotherapy, hallucinogens, such as 2C-B, do not have any therapeutic usefulness.

Recommendation

Despite the limited availability of studies, the chemical and pharmacological similarity of 2C-B to the hallucinogen mescaline has been demonstrated. The altered state of mind induced by hallucinogens such as 2C-B may result in harm to the user and to

others. Based on its perceived aphrodisiac effects and known modest abuse potential of hallucinogenic drugs in general, it is estimated that 2C-B may be abused so as to constitute a public health and social problem warranting its placement under international control. However, hallucinogens are rarely associated with compulsive use and abuse of 2C-B has been infrequent, suggesting that abuse of 2C–B is likely to constitute a substantial, rather than an especially serious, risk to public health. On these bases, it is recommended that 2C-B be placed in Schedule II of the 1971 Convention on Psychotropic Substances.

4-MTA (4-methylthioamphetamine)
Substance Identification

4-MTA is chemically 4-methylthioamphetamine (CAS 14116–06–4) Other names include: α-methyl 4-methylthiophenetylarnine, *p*-methylthioamphetamine; 4-MTA; *p–MTA;* MTA; MK; S5; S_5; Flatliner; The One and Only Dominator. 4-MTA has one chiral centre and can exist in two enatiomers and a racemate. Only the racemic mixture has been reported to have been synthesised.

Similarity to Known Substances and Effects on the Central Nervous System

4-MTA is a potent serotonin-releasing agent and reversible inhibitor of monoamine oxidase-A, and is structurally similar to 4-methoxyamphetamine. Pharmacologically, it is similar to MDA and MDMA; studies suggest that 4-MTA is six times more potent than MDMA and MDA in inhibiting 5-HT uptake.

Dependence Potential

Drug discrimination studies in rats suggest that 4-MTA produces discriminative stimulus effects similar to MDMA. 4-MTA did not substitute for amphetamine, LSD or phencyclidine. Reports from the United Kingdom indicate that 4-MTA is abused for its stimulant/euphoric effects similar to MDMA.

Actual Abuse and/or Evidence of Likelihood of Abuse

4-MTA is mainly abused in Europe. It appears that 4-MTA is part of the dance music culture although its use is relatively less widespread probably because of perceptions by users that the drug is stronger and more harmful than other ''club drugs'' such as MDMA. 4-MTA has resulted in a number of fatalities and hospital admissions. It appears that toxic effects can be produced directly from the drug and that the presence of other drugs or alcohol may exacerbate such effects.

Therapeutic Usefulness

4-MTA has no recognized therapeutic use.

Recommendation

4-MTA is chemically and pharmacologically similar to MDA and MDMA. 4-MTA is a new synthetic drug which was seized for the first time in 1997. Although evidence of its actual abuse is available only in several countries in Europe, seizures, including those of large quantities reported from a wider range of countries, suggest that the trafficking and abuse of 4-MTA are more widespread than have been reported. Based on this and its similarity to known MDA-type psychotropic substances, as well as data from drug discrimination studies in animals, it is estimated that 4-MTA is likely to be abused so as to constitute a public health and social problem warranting its placement under international control. Taking into consideration that 4-MTA has no recognized therapeutic use and that it has resulted in a number of fatalities, abuse of 4-MTA is estimated to constitute an especially serious risk to public health. It is therefore recommended that 4-MTA be placed in Schedule I of the 1971 Convention on Psychotropic Substance.

GHB (Gamma-hydroxybutyric acid)
Substance Identification

GHB is chemically γ-hydroxybutyric acid; 4-hydroxybutyric acid (CAS 591–81–1). GHB usually exists as either the free acid or as the sodium salt. Sodium oxybate (CAS 502–85–2) is a national nonproprietary name for its sodium salt. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

Similarity to Known Substances and Effects on the Central Nervous System

GHB is an endogenous compound and is structurally similar to the neurotransmitter GABA. Pharmacologically, it produces sedative and anaesthetic effects at high doses. Such depressant effects of GHB appear to be associated with its cataleptic effects and are different from those of barbiturates and benzodiazepines. GHB sedation possessed distinct excitatory properties, which may be due to its effect on the dopaminergic system (increase in intracellular neuronal dopamine). GHB has been found to induce anesthesia (but does not provide pain relief), (slow-wave) sleep, bradycardia, vomiting, random clonic movements, hypothermia, reduction in potassium levels, decrease in ventilatory rate and apnoea. However, the respiratory centre remains sensitive to an increase in carbon dioxide.

Dependence Potential

In drug discrimination studies in animals, none of the known abused drugs has the ability to fully substitute for GHB. Morphine, dexamphetamine, LSD and some benzodiazepines produced, at best, partial substitution. There have been few studies regarding the dependence/abuse potential of GHB. However, during the numerous studies involving administration of GHB to patients at varying concentrations, no dependence has been observed at low doses of GHB. At prolonged high doses, however, a withdrawal syndrome including insomnia, muscular cramping, tremor and anxiety has been noted upon discontinuation in some cases.

Actual Abuse and/or Evidence of Likelihood of Abuse

GHB abuse has been reported in Australia, USA and many countries in Europe. Precursors of GHB, such as γ-butyrolaztone and 1,4-butanediol, which are metabolized to GHB in the body, have also been abused. Although initially abused by body-builders for its apparent growth hormone promoting properties, the more recent primary mode of abuse worldwide has been the use of GHB for its subjective hypnotic, euphoric and hallucinogenic effects, especially in the context of the dance music culture (i.e. ''raves''). Some users have also claimed to use GHB as an alternative to alcohol (for relaxation), as a sexual adjunct, appetite suppressant, anti-aging product and has also been implicated in cases of sexual assault.

It appears that toxic effects can be produced directly from the drug and the presence of other depressant or sedative drugs (e.g. opiates, benzodiazepines, alcohol and barbiturates) and possibly other psychoactive compounds (e.g. amphetamine) may exacerbate the effects of GHB. Hospital admissions and deaths have been linked to GHB ingestion and generally involve the onset of coma and respiratory depression.

Therapeutic Usefulness

GHB has been used as an anaesthetic agent and as an aid to alcohol/opiate withdrawal, primarily in France, Germany and Italy, respectively. In USA and Canada it is currently under evaluation for the treatment of narcolepsy-associated cataplexy.

Recommendation

Although GHB is an endogenous compound that exists in the human body, GHB has psychoactive and toxic effects when administered. The pattern and consequences of its abuse in a number of countries in Europe and the USA seem to suggest that its liability to abuse constitutes a significant risk to public health. The current easy availability of GHB and some of its precursors has contributed to its recent abuse. The wide availability is likely to be reduced once GHB is placed under international control. On these bases, it is recommended that GHB be placed in Schedule IV of the 1971 Convention on Psychotropic Substances.

Zolpidem (INN) Substance Identification

Zolpidem is chemically N,N,6-trimethyl-2-p-tolylimidazo [1,2-a]pyridine-3-acetamide; N,N,6-trimethyl-2-(4-methylphenyl)imidazo[1,2-a]pyridine-3-acetamide (CAS 82626–48–0). Trade names include: Ambien, Bikalm, Niotal, Stilnoct, Stilnox.

Similarity to Known Substances and Effects on the Central Nervous System

Though chemically different from benzodiazepines, zolpidem produces benzodiazepine-like effects. It acts as an agonist binding with high and low affinity to BZ_1 and BZ_2 receptor subtypes, respectively. It is generally believed to produce relatively greater hypnotic effects than other benzodiazepine-like effects.

Dependence Potential

The results of human laboratory studies suggest that zolpidem and triazolam are generally similar in terms of producing subjective reinforcing effects. As with many of the benzodiazepines, there have been a number of case reports describing withdrawal symptoms after cessation of zolpidem administration. Though withdrawal discomfort does not necessarily lead to compulsory drug taking (drug dependence) in humans, there are reports of clinically diagnosed cases of drug dependence resulting from a prolonged use of zolpidem.

Actual Abuse and/or Evidence of Likelihood of Abuse

Epidemiological studies indicate that zolpidem is associated with relatively low incidence of abuse. Sporadic case reports in the scientific literature have indicated that zolpidem is abused, but these cases usually involved patients with histories of drug abuse or chronic psychiatric disorders. Cases of zolpidem overdose requiring emergency treatment have been reported. Death due to zolpidem overdose is rare. Rates of actual abuse and dependence of zolpidem appear to be similar to other hypnotic benzodiazepines in Schedule IV. In terms of the numbers of cases of abuse, dependence and withdrawal reported as adverse drug reactions to the WHO adverse drug reaction database, less than ten benzodiazepines are ranked higher than zolpidem.

Therapeutic Usefulness

Zolpidem is used for treatment of insomnia in more than 80 countries.

Recommendation

Although zolpidem has a somewhat novel neuropharmacological profile relative to classic benzodiazepines, studies of its abuse potential suggest that it may be comparable to that of many benzodiazepines. Furthermore, rates of actual abuse and dependence of zolpidem in medical use, as well as the risk to public health of its abuse, appear to be similar to hypnotic benzodiazepines presently placed in Schedule IV. On these bases, it is recommended that zolpidem be placed in Schedule IV of the 1971 Convention on Psychotropic Substances.

I. Discussion

Although WHO has made specific scheduling recommendations for each of the drug substances, the CND is not obliged to follow the WHO recommendations. Options available to the CND for substances considered for control under the Psychotropic Convention include: (1) Acceptance of the WHO recommendations; (2) acceptance of the recommendations to control, but control the drug substance in a schedule other than that recommended; or (3) rejection of the recommendations entirely.

4-Bromo-2,5-dimethoxyphenethylamine (2C-B) is a Schedule I controlled substance in the United States. The U.S. Drug Enforcement Administration (DEA) placed 2C-B (including salts, isomers, and salts of isomers: isomers include optical, positional, and geometric) in Schedule I of the Controlled Substance Act (CSA) in June 1995. 4-methylthioamphetamine (4-MTA) is not marketed in the United States and is not currently a controlled substance in the United States. Gamma hydroxybutyric acid (GHB) is a Schedule I controlled substance in the United States. GHB, including its salts, optical isomers, and salts of optical isomers, became a Schedule I controlled substance in March 2000. Registered manufacturers and distributors of GHB when it is manufactured, distributed, or possessed in accordance with an FDA authorized investigational new drug exemption under Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 USC 355(i)) are subject to Schedule III security requirements. If FDA approves a drug product containing GHB for marketing, the approved product will be placed into Schedule III under Public Law 106–172. Zolpidem, its salts, isomers, and salts of isomers, is a Schedule IV controlled substance in the United States. The DEA placed zolpidem in Schedule IV in February 1993. With the exception of 4-MTA, current controls in the United States on the substances under consideration for international control appear to meet the requirements of the recommended Psychotropic Convention schedules.

IV. Comments

Interested persons may, on or before March 15, 2001, submit to the Dockets Management Branch (address above) written comments regarding this notice. This abbreviated comment period is necessary to allow HHS to furnish a recommendation to the Secretary of State in time for the March 2001 meeting of the United Nations Commission on Narcotic Drugs. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 27, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5218 Filed 2–28–01; 11:36 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and

recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 15, 2001, from 8:30 a.m. to 6 p.m. and on March 16, 2001, from 8:30 a.m. to 12 noon.

Location: Hilton, 620 Perry Pkwy., Gaithersburg, MD.

Contact: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 15, 2001, the committee will hear presentations, discuss and make recommendations on the comparative sensitivity of Hepatitis B Virus nucleic acid testing versus Hepatitis B Surface Antigen testing. In the afternoon, the committee will hear presentations, discuss and make recommendations on the implementation of nucleic acid testing for Hepatitis C Virus and human immunodeficiency virus, testing donor and product management, and blood bags for diversion of the initial collection. On March 16, 2001, the committee will hear updates on the following topics: (1) Summaries of the Transmissible Spongiform Encephalopathies Advisory Committee Meeting and the Public Health Service Advisory Committee Meeting on blood safety and availability, and (2) The Office of Inspector General's report on tissue and organ regulation. The committee will additionally hear presentations, discuss and make recommendations on the topic of guidance on malaria, applicability to plasma.

Procedure: On March 15, 2001, from 8:30 a.m. to 6 p.m. and on March 16, 2001, from 8:30 a.m. to 12 noon, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 9, 2001. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10:30 a.m., 1:30 p.m. and 2:30 p.m., and 4:30 p.m. and 5:30 p.m. on March 15, 2001, and 10:15 a.m. and 10:30 a.m. on March 16, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 9, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the March 15 to 16, 2001, Blood Products Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Blood Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 28, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–5375 Filed 3–1–01; 11:53 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1728]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Home Health Agency Cost Report and Supporting Regulations in 42 CFR 413.20, 413.24 and 413.106; *Form No.:* HCFA–1728 (OMB No. 0938–0022); *Use:* Participating providers are required to submit annual information to HCFA in order to achieve settlement of costs for health care services rendered to Medicare beneficiaries. The HCFA–1728 is the form used by Home Health Agencies to report their health care costs to determine the amount reimbursable for services furnished to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for profit, Not for profit institutions, and State, Local or Tribal Gov.; *Number of Respondents:* 7,310; *Total Annual Responses:* 7,310; *Total Annual Hours Requested:* 1,293,870.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 15, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5181 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–108]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the

following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Criteria for Medicare Coverage of Liver Transplants; *Form No.:* HCFA–R–108 (OMB# 0938–0580); *Use:* Medicare participating hospitals must file an application to be approved for coverage and payment of liver transplants performed on Medicare beneficiaries; *Frequency:* Monthly; *Affected Public:* Business or other for-profit; *Number of Respondents:* 12; *Total Annual Responses:* 12; *Total Annual Hours:* 2,110.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5182 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–170]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Criteria for Medicare Coverage of Lung Transplants; *Form No.:* HCFA–R–170 (OMB# 0938–0670); *Use:* Medicare participating hospitals must file an application to be approved for coverage and payment of lung transplants performed on Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for-profit; *Number of Respondents:* 6; *Total Annual Responses:* 6; *Total Annual Hours:* 900.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5183 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–2068–N]

Medicare, Medicaid, and CLIA Programs; Continuance of the Approval of the American Society for Histocompatibility and Immunogenetics as a CLIA Accreditation Organization

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the continued approval of the American Society for Histocompatibility and Immunogenetics (ASHI) as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program. We have determined that the accreditation process of this organization provides reasonable assurance that the laboratories accredited by ASHI meet the conditions required by CLIA and its implementing regulations. Consequently, laboratories that voluntarily become accredited by ASHI would meet the CLIA condition level requirements for laboratories and, therefore, are not subject to routine inspection by State survey agencies to determine their compliance with CLIA requirements. These laboratories are, however, subject to Federal validation and complaint investigation surveys.

EFFECTIVE DATE: This notice is effective for the period March 5, 2001 through October 31, 2006.

FOR FURTHER INFORMATION CONTACT: Minnie Christian, (410) 786–3339.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA), Pub. L. 100–578. CLIA replaced in its entirety section 353(e)(2) of the Public Health Service Act, as enacted by

the Clinical Laboratories Improvement Act of 1967. HCFA issued a final rule (57 FR 33992) implementing the accreditation provisions of CLIA on July 31, 1992. HCFA may approve a private, nonprofit organization as an approved accreditation organization to accredit clinical laboratories under the CLIA program if the organization meets certain requirements. An organization's requirements for accredited laboratories must be equal to, or more stringent than, the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Therefore, a laboratory accredited by an approved accreditation organization that meets and continues to meet all of the accreditation organization's requirements would be considered to meet CLIA condition level requirements if it were inspected against CLIA regulations. The regulations listed in subpart E (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program) of part 493 specify the requirements an accreditation organization must meet to be an approved accreditation organization. HCFA approves an accreditation organization for a period not to exceed 6 years.

In general, the approved accreditation organization must among other conditions and requirements:

- Use inspectors qualified to evaluate laboratory performance and agree to inspect laboratories with the frequency determined by HCFA.
- Apply standards and criteria that are equal to or more stringent than those condition level requirements established by HCFA when taken as a whole.
- Provide reasonable assurance that these standards and criteria are continually met by its accredited laboratories.
- Provide HCFA with the name of any laboratory that has had its accreditation denied, suspended, withdrawn, limited, or revoked within 30 days of the action taken.
- Notify HCFA at least 30 days before implementing any proposed changes in its standards.
- If HCFA withdraws its approval, notify the accredited laboratories of the withdrawal within 10 days of the withdrawal. A laboratory can be accredited if, among other things, it meets the standards of an approved accreditation organization and authorizes the accreditation organization to submit to HCFA records and other information HCFA may require.

Along with requiring the promulgation of criteria for approving an accreditation organization and for withdrawing this approval, CLIA regulations require HCFA to perform an annual evaluation by inspecting a sufficient number of laboratories accredited by an approved accreditation organization as well as by any other means that HCFA determines appropriate.

II. Notice of Continued Approval of ASHI as an Accreditation Organization

In this notice, we approve ASHI as an organization that may continue to accredit laboratories for purposes of establishing their compliance with CLIA requirements. HCFA and the Centers for Disease Control and Prevention (CDC) have examined the ASHI application and all subsequent submissions to determine equivalency with HCFA requirements under subpart E of part 493 that an accreditation organization must meet to be granted approved status under CLIA. We have determined that ASHI complied with the applicable CLIA requirements as of March 5, 2001 and grant ASHI approval as an accreditation organization under subpart E, through October 31, 2006, for the following specialty and subspecialty areas:

- Histocompatibility.
- ABO/Rh typing.

As a result of this determination, any laboratory that is accredited by ASHI during this time period for an approved specialty or subspecialty (listed above) is deemed to meet the applicable CLIA condition level requirements for the laboratories found in part 493 of HCFA regulations and, therefore, is not subject to routine inspection by a State survey agency to determine its compliance with CLIA requirements. The accredited laboratory, however, is subject to validation and complaint investigation surveys performed by HCFA, or by any other validly authorized agent.

III. Evaluation of ASHI

The following describes the process used to determine that ASHI, as a private, nonprofit organization, provides reasonable assurance that laboratories it accredits will meet the applicable requirements of CLIA and applicable regulations.

A. Requirements for Approving an Accreditation Organization Under CLIA

To determine whether we should grant approved status to ASHI as a private, nonprofit organization for accrediting laboratories under CLIA for the specific specialty or subspecialty areas of human specimen testing it requested, we conducted a detailed and in-depth comparison of ASHI's requirements for its laboratories to those of CLIA. In summary, we evaluated whether ASHI meets the following requirements:

- Provides reasonable assurance to us that it requires the laboratories it accredits to meet requirements that are equal to or more stringent than the CLIA condition level requirements (for the requested specialty and subspecialty) and would, therefore, meet the condition level requirements of CLIA if those laboratories had been inspected against condition level requirements.
- Meets the applicable requirements of part 493, subpart E.

As specified in the regulations of subpart E, the review of a private, nonprofit accreditation organization seeking approved status under CLIA includes, but is not limited to, an evaluation of the following:

- Whether the organization's requirements for its accredited laboratories are equal to or more stringent than the condition level requirements of the CLIA regulations.
- The organization's inspection process to determine the following:

—The composition of the inspection teams, qualifications of the inspectors, and the ability of the organization to provide continuing education and training to all of its inspectors.
—The comparability of the organization's full inspection and complaint inspection requirements to the Federal requirements including, but not limited to, inspection frequency, and the ability to investigate and respond to complaints against its accredited laboratories.
—The organization's procedures for monitoring laboratories that it has found to be out of compliance with its requirements.
—The ability of the organization to provide HCFA with electronic data and reports that are necessary for effective validation and assessment of the organization's inspection process.
—The ability of the organization to provide HCFA with electronic data related to the adverse actions resulting from unsuccessful proficiency testing (PT) participation in HCFA approved PT programs, as well as data related to the PT failures, within 30 days of the initiation of the action.
—The ability of the organization to provide HCFA with electronic data for all its accredited laboratories and the area of specialty and subspecialty testing.
—The adequacy of the numbers of staff and other resources.

—The organization's ability to provide adequate funding for performing the required inspections.

• Whether the organization has an agreement with HCFA that requires it, among other things, to meet the following:

—Notify HCFA of any laboratory that has had its accreditation denied, limited, suspended, withdrawn, or revoked by the accreditation organization, or that has had any other adverse action taken against it by the accreditation organization, within 30 days of the date the action is taken.

—Notify HCFA within 10 days of a deficiency identified in an accredited laboratory if the deficiency poses an immediate jeopardy to the laboratory's patients or a hazard to the general public.

—Notify HCFA of all newly accredited laboratories, or laboratories whose areas of specialty or subspecialty are revised, within 30 days.

—Notify each laboratory accredited by the organization within 10 days of HCFA's withdrawal of approval of the organization.

—Provide HCFA with inspection schedules, on request, for the purpose of conducting onsite validation inspections.

—Provide HCFA or our agent, or the State survey agency, with any facility-specific data that HCFA requires, including, but not limited to, PT results that constitute unsuccessful participation in an approved PT program and notification of the adverse actions or corrective actions imposed by the accreditation organization as a result of unsuccessful PT participation.

—Provide HCFA with written notification at least 30 days in advance of the effective date of any proposed changes in its requirements.

—Provide upon the request by any person, on a reasonable basis (under State confidentiality and disclosure requirements, if applicable), any laboratory's PT results with the explanatory information needed to assist in the interpretation of the results.

Laboratories that are accredited by an approved accreditation organization must, among other things, meet the following requirements:

• Authorize the organization to release to HCFA all records and information required.

• Permit inspections as required by the CLIA regulations in part 493, subpart Q (Inspection).

• Obtain a certificate of accreditation under§ 493.61 (Requirements for a certificate of accreditation).

B. Evaluation of the ASHI Request for Continued Approval as an Accreditation Organization Under CLIA

HCFA made the following determinations concerning ASHI's standards for accreditation of laboratories in relation to the CLIA requirements contained in part 493 as explained below:

Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

ASHI has submitted and requested re-approval for the specialty of Histocompatibility that it would continue to accredit and new approval for the subspecialty of ABO/Rh typing that it would also accredit. ASHI has submitted a description of its PT monitoring process; inspection process and guidelines; a listing of the size, composition, education, and experience of its inspection teams; its investigative and complaint response procedures; its data management and analysis system; its notification agreements with HCFA; its removal or withdrawal of laboratory accreditation procedures; its current list of accredited laboratories; and its announced or unannounced inspection process. We have determined that ASHI has complied with the requirements under CLIA for approval as an accreditation organization under this subpart.

Subpart H—Participation in Proficiency Testing for Laboratories Performing Tests of Moderate or High Complexity, or Both

ASHI's requirements for PT are equivalent to those of CLIA for ABO/Rh typing.

For the specialty of Histocompatibility, ASHI's requirements exceed those of HCFA. ASHI requires participation in at least one external PT program, if available, in each category of histocompatibility testing with an 80 percent score required for successful participation and enhanced PT for laboratories that fail an event.

Subpart J—Patient Test Management for Moderate or High Complexity Testing, or Both

ASHI exceeds CLIA retention requirements for Test Requisitions, requiring 5 years, whereas CLIA requires § 493.1105 only 2 years. In addition, ASHI requires laboratories to obtain written authorization for all testing performed by the laboratory, which exceeds the CLIA requirements. All other requirements in Patient Test Management are equivalent to those of CLIA on an overall basis.

Subpart K—Quality Control for Tests of Moderate or High Complexity, or Both

The quality control (QC) requirements of ASHI have been evaluated against the applicable requirements of CLIA and its implementing regulations. We have determined that ASHI's requirements, when taken as a whole, are more stringent than the CLIA requirements. For instance, ASHI's Nucleic Acid Analysis addresses DNA extraction and digestion, amplification, contamination, physical containment, and multiple quality controls for the test systems. HCFA regulations do not include this requirement.

Subpart M—Personnel for Moderate and High Complexity Testing

We have found that ASHI personnel requirements, when taken as a whole, are equal to or more stringent than the CLIA requirements for Histocompatibility. Experience requirements for Director, Technical Supervisor, and General Supervisor exceed CLIA's personnel experience requirements in the specialty of Histocompatibility.

Subpart P—Quality Assurance for Moderate or High Complexity Testing or Both

We have determined that ASHI's requirements are equal to the CLIA requirements of this subpart. ASHI has adopted the CLIA quality assurance requirements in their entirety and included them in ASHI's checklist.

Subpart Q—Inspections

We have determined that ASHI's inspections are more frequent than CLIA requires. ASHI performs an onsite inspection every 2 years and requires submission of a self-evaluation inspection in the intervening years. If the self-evaluation inspection indicates that an onsite inspection is warranted, ASHI conducts an additional onsite review. In addition, ASHI inspectors provide onsite proficiency testing samples to be processed during the inspection.

Subpart R—Enforcement Procedures for Laboratories

ASHI meets the requirements of subpart R to the extent that it applies to accreditation organizations. ASHI policy stipulates the action it takes when laboratories it accredits do not comply with its requirements. ASHI shall

withdraw, revoke, or limit accreditation of a laboratory as appropriate and report the action to HCFA within 30 days. ASHI also provides an appeal process for laboratories that have had accreditation denied, revoked, suspended, or limited.

We have determined that ASHI's laboratory enforcement and appeal policies are equivalent to the requirements of this subpart as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of ASHI accredited laboratories may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (complaint inspections). The outcome of those validation inspections, performed by HCFA or our agent, or the State survey agency, will be HCFA's principal means for verifying that the laboratories accredited by ASHI remain in compliance with CLIA requirements. This Federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

Our regulations provide, in part, that we may remove the approval of an accreditation organization, such as that of ASHI, for cause, before the end of the effective date of approval. If validation inspection outcomes and the comparability or validation review produce findings as described in § 493.573 (Continuing Federal oversight of private nonprofit accreditation organizations and approved State licensure programs), HCFA will conduct a review of an approved accreditation organization's program. We also conduct a review when the validation review findings, irrespective of the rate of disparity (as defined in § 493.2 (Definitions)), indicate widespread or systemic problems in the organization's accreditation processes that provide evidence that the organization's requirements, taken as a whole, are no longer equivalent to the CLIA requirements, taken as a whole. If validation inspection results over a 1-year period indicate a rate of disparity of 20 percent or more between the findings of the organization and those of HCFA, HCFA will conduct a review under § 493.575(a)(4).

If HCFA determines that ASHI has failed to adopt or maintain requirements that are equal to or more stringent than the CLIA requirements, or systematic problems exist in its inspection process, a probationary period as determined by HCFA, not to exceed 1 year, may be given to ASHI to adopt equal or more stringent requirements. HCFA will make a final determination as to whether or not ASHI retains its approved status as an accreditation organization under CLIA. If approved status is withdrawn, an accreditation organization such as ASHI may resubmit its application if it revises its program to address the rationale for the withdrawal, demonstrates that it can reasonably assure that its accredited laboratories meet CLIA condition level requirements, and resubmits its application for approval as an accreditation organization in its entirety. If, however, an approved accreditation organization requests reconsideration of an adverse determination in accordance with subpart D (Reconsideration of Adverse Determinations—Deeming Authority for Accreditation Organizations and CLIA Exemption of Laboratories Under State Programs) of part 488 (Survey, Certification, and Enforcement Procedures) of our regulations, it may not submit a new application until HCFA issues a final reconsideration determination.

Should circumstances result in ASHI having its approval withdrawn, HCFA will publish a notice in the **Federal Register** explaining the basis for removing its approval.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management of Budget.

Authority: Section 353 of the Public Health Service Act (42 U.S.C. 263a).

Dated: February 2, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–4928 Filed 3–2–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (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.

Proposed Project

Clinical Pharmacy Demonstration Project Evaluation: NEW

The Clinical Pharmacy Demonstration Projects, a supplemental grant opportunity for health center networks, were established to evaluate the impact of comprehensive pharmacy services on the patients served by Health Resources and Services Administration (HRSA) supported programs. The overarching mission is to demonstrate the effect of implementing comprehensive pharmacy services in underserved populations. By collecting data regarding health outcomes and the level of pharmacy services provided, the Office of Pharmacy Affairs hopes to establish the provision of comprehensive pharmacy services as a key to improving access and eliminating health disparities.

The grantee networks will provide valuable pharmacy services to patients, and in the process generate data that will demonstrate the effect of the projects on health outcomes. Patient encounter data will be collected (baseline and semi-annual) for diabetic patients who receive clinical pharmacy services. In addition, each participating pharmacy will complete survey instruments (baseline, annual) for utilization, financial, and process data which describe the program. These data will result in the following: the creation of a database to document the nationwide impact of implementing comprehensive pharmacy services through the Clinical Pharmacy Demonstration Projects in underserved areas; and, information sources for the sharing of best practices, with the ultimate goal of aiding other health

center networks in the implementation of comprehensive pharmacy services.

The estimated burden is as follows:

Form name	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Baseline	1400	1	.33	462
Encounter data	1400	4	.16	933
Pharmacy Survey	14	3	1	42
Total	1414	.....	.....	1437

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 27, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–5224 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Drug Accountability Record

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), 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 December 14, 2000, pages 78175–78176, and allowed 60 days for public comment. No public comments were received. 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: Drug Accountability Record. *Type of Information Collection Request:* Revision. (OMB No. 0925–0240, expires 3/31/2001). *Need and use of Information Collection:* The regulations of the Food and Drug Administration (FDA) require investigators to establish a record of the receipt, use, and disposition of all investigational agents. The National Cancer Institute (NCI), as a sponsor of investigational drug trials, has the responsibility for assuring to the FDA that systems for drug accountability are being maintained by investigators in its clinical trials program. In order to fulfill these requirements, we have developed two standardized forms. One, the investigational Drug Accountability Report Form (NIH 2564) designed to account for drug inventories and usage by protocol and the other, Transfer Investigational Drug Form (NIH–2564–1) that permits intra-institutional transfer of agents to NCI approved protocols for use by the investigator or other NCI registered investigators on approved protocols. The data obtained from the drug accountability record is used to track the dispensing of investigational anticancer drugs from receipt from NCI to dispensing or administration to patients. NCI uses the accountability data to ensure that investigational drug supplies are not diverted for inappropriate protocol or patient use. The drug accountability information is used to validate patient protocol reporting forms during site audits conducted at each of the Cooperative Groups. The intent is to ensure the investigational agents are used according to protocol guidelines and to ensure the patient's safety and protection. *Frequency of response:* Daily. *Affected public:* State or local governments, businesses or other for-profit, Federal agencies or employees, non-profit institutions, and small business or organizations. *Types of Respondents:* Investigators and their designees, pharmacists, nurses, pharmacy technicians, data managers. The annual reporting burden is divided into two major areas. These are the audits of Drug Accountability Forms by Government and its contractors and the use of the forms by clinical research sites. The burden is as follows: The annualized respondents' burden for record keeping is estimated to require 2,436 hours for drug accountability and 80 hours for drug transfer. The reporting burden is the average time (4 minutes or 0.0668 hours) required to complete the transfer investigational drug form multiplied by the number of forms completed annually. The record keeping burden represents an average time required for multiple entries (4 minutes or 0.0668 hours per entry) on the drug accountability form, the average number of forms maintained by each record keeper and the number of record keepers. These estimates are based on the items shipped by the PMB and the number of transfer approvals in the calendar year 1999.

Type of respondents	Est. number of respondents	Est. number of responses/ respondents	Avg. burden hours per response	Avg. burden hours	Est. total annual burden hours requested
Drug transfer, form	1,200	1	0.0668	80	80
Drug, accountability, form	4,560	8	0.0668	2,436	2,436
Total	5,760	.....	.....	.....	2,516

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 proposed 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 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comment 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 Carl Huntley, Head Drug Management and Authorization Section, Pharmaceutical Management Branch, Cancer Therapy Evaluation Program, Division of Cancer Therapy and Diagnosis, National Cancer Institute, Executive Plaza North, Room 7112, 9000 Rockville Pike, Bethesda, Maryland 20892. Or call non-toll-free number 301–496–5725 or e-mail your request, include your address to *HuntleyC@ctep.nci.nih.gov.*

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before April 14, 2001.

Dated: February 26, 2001.

Reesa Nichols,

NCI Project Clearance Liaison.

[FR Doc. 01–5174 Filed 3–2–01; 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: National Institute of General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Subcommittee A.

Date: March 14, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Carole H. Latker, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2848, latkerc@nigms.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.

(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 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5172 Filed 3–2–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 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 of Environmental Health Sciences Special Emphasis Panel, National Center for Toxicogenomics (NCT) Microarray Resource.

Date: March 14, 2001.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: NC Biotechnology Center, 15 T.W. Alexander Drive, Post Office Box 13547, Research Triangle Park, NC 27709.

Contact Person: Linda K. Bass, Scientific Review Administrator, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–24, Research Triangle Park, NC 27709, (919) 541–1307.

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. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 23, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–5173 Filed 3–2–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Call for Public Comments on 8 Nominations, Proposed for Listing in or Delisting From the Report on Carcinogens, Tenth Edition

Background

The National Toxicology Program (NTP) solicits final public comments on agents, substances, mixtures and exposure circumstances reviewed in 2000 for listing in or delisting from the Report on Carcinogens, Tenth Edition. This Report (previously known as the Annual Report on Carcinogens) is a Congressionally mandated listing of known human carcinogens and reasonably anticipated human carcinogens and its preparation is delegated to the National Toxicology Program by the Secretary, Department of Health and Human Services (DHHS). Section 301(b)(4) of the Public Health Service Act, as amended, provides that the Secretary, (DHHS), shall publish a biennial report which contains a list of all substances (1) which either are known to be human carcinogens or may reasonably be anticipated to be human carcinogens; and (2) to which a significant number of persons residing in the United States (US) are exposed. The law also states that the reports should provide available information on the nature of exposures, the estimated number of persons exposed and the extent to which the implementation of Federal regulations decreases the risk to public health from exposure to these chemicals.

In 2000, eight nominations were reviewed for listing in the Tenth Report. This review included two Federal and one non-government, scientific peer reviews and public comment and review. The three scientific review committees evaluated all available data relevant to the criteria for inclusion of candidate nominations in the Report. The criteria used in the review process and a detailed description of the review procedures, including the steps in the current formal review process, can be obtained from the NTP Home Page web site at http://ntp-server.niehs.nih.gov/ or by contacting: Dr. C.W. Jameson, National Toxicology Program, Report on Carcinogens, MD EC–14, P.O. Box 12233, Research Triangle Park, NC 27709; phone: (919) 541–4096, fax: (919) 541–0144, email: jameson@niehs.nih.gov.

Public Comment Requested

The nominations reviewed in 2000 are provided in the following table with their Chemical Abstracts Services (CAS) Registry numbers (where available) and the recommendations from the three scientific peer reviews of the nominations. The NTP will be making a final recommendation in 2001 for these eight nominations for listing in, or changing the current listing from reasonably anticipated to be a human carcinogen to the known to be a human carcinogen category in the Tenth Report.

Background documents provided to the review committees and the public are available on the web in PDF-format at the address above. Hard copies of these documents are also available upon request. The NTP will review the recommendations from each of the review committees and consider the public comments received throughout the process in making decisions regarding the NTP recommendations to the Secretary, DHHS, for listing of the nominated substances in the Tenth Edition of the Report on Carcinogens. The NTP solicits final public comment to supplement any previously submitted comments or to provide comments for the first time on any substance in the following table. Comments will be accepted for 60 days from the publication date of this announcement and should be directed to Dr. C.W. Jameson at the address listed above. Individuals submitting public comments are asked to include relevant contact information [name, affiliation (if any), address, telephone, fax, and e-mail].

Attachment

Dated: February 21, 2001.

Kenneth Olden,

Director, National Toxicology Program.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
Broad Spectrum UV Radiation (UVR) and UVA, and UVB, and UVC.	Solar and artificial sources of ultraviolet radiation.	Motion to list UVR as known to be a human carcinogen passed by unanimous vote (6/0). Motion to list UVA, UVB and UVC as reasonably anticipated to be human carcinogens passed by unanimous vote (6/0).	Motion list UVR as known to be a human carcinogen passed by unanimous vote (8/0). Motion to list UVA, UVB and UVC as reasonably anticipated to be human carcinogens passed by unanimous vote (8/0).	Motion to list UVR as known to be a human carcinogen passed by unanimous vote (10/0). Motion to list UVA as reasonably anticipated to be human carcinogen passed by unanimous vote (10/0). Motion to list UVB as reasonably anticipated to be human carcinogen passed by vote of 7 yes to 3 no. Negative votes (3) cast because members felt data meets criteria to list as known human carcinogen.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
				Motion to list UVC as reasonably anticipated to be human carcinogen passed by vote of 9 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list as reasonably anticipated carcinogen.
Chloramphenicol (56–75–7).	Chloramphenicol has been used an antibiotic since the 1950s.	Motion to list Chloramphenicol as reasonably anticipated to be human carcinogen passed by unanimous vote (7/0).	Motion to list Chloramphenicol reasonably anticipated to be human carcinogen passed by vote of 7 yes to 0 no with 1 abstention. Abstention (1) was because member felt data concerning link between aplastic anemia and leukemia was not compelling.	Motion to list Chloramphenicol as reasonably anticipated to be human carcinogen passed by unanimous vote (10/0).
Estrogens, Steroidal	Estrogens are widely used in post-menopausal therapy and in oral contraceptives for women.	Motion to list Steroidal Estrogens as known to be a human carcinogen passed by unanimous vote (7/0).	Motion to list Steroidal Estrogens as known to be a human carcinogen passed by unanimous vote (8/0).	Motion to list Steriodal Estrogens as known to be a human carcinogen passed by a vote of 8 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list all steroidal estrogens in the Report.
Methyleugenol (93–15–2) ..	Methyleugenol are flavoring agents used in jellies, baked goods, nonalcoholic beverages, chewing gum, candy, and ice cream. Also used as fragrance for many perfumes, lotions, detergents and soaps.	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by unanimous vote (7/0).	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by unanimous vote (8/0).	Motion to list Methyleugenol as reasonably anticipated to be human carcinogen passed by a vote of 9 yes to 1 no. Negative vote (1) cast because member felt insufficient human data to list in the Report.
Nickel (metallic) and Certain Nickel Alloys.	Metallic Nickel and Nickel Alloys have been used in commercial applications for over 100 years.	Motion to list Metallic Nickel and Certain Nickel alloys as reasonability anticipated to be human carcinogen passed by a vote of 6 yes to 2 no. Negative votes (2) cast because members did not agree with the use of term ''certain'' in the listing of Nickel alloys.	Motion to list Metallic Nickel as reasonability anticipated to be human carcinogen passed by a vote of 7 yes to 1 no. Negative vote (1) cast because member felt the animal data not persuasive to list in the Report as reasonably anticipated human carcinogens because of inappropriate routes of exposure.	Motion to list Metallic Nickel as reasonability anticipated to be human carcinogen passed by a vote of 7 yes to 3 no. Negative votes (3) cast because members felt that the human and animal data not persuasive to list in the Report as reasonably anticipated human carcinogens.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
			Motion *not* to list Certain Nickel Alloys in RoC was passed a vote of 6 yes to 2 no. Negative votes (2) cast because members felt data meets criteria to list as reasonably anticipated to be a human carcinogen.	Motion to list Certain Nickel Alloys as reasonably anticipated to be human carcinogen was defeated by a vote of 3 yes to 7 no. in RoC. Negative votes (7) cast because members felt available data not persuasive to list in the Report as reasonably anticipated human carcinogens. Motion *not* to list Certain Nickel Alloys in RoC was passed by a vote of 9 yes 1 no. Negative votes (1) cast because member felt data meets criteria to list as reasonably anticipated to be a human carcinogen.
Talc (14807–96–6) Abestiform and Non-Abestiform.	Both Asbestiform talc (i.e., talc containing asbestiform fibers) and non-asbestiform talc (i.e. talc not containing asbestiform fibers) occur in various geological settings around the world. Occupational exposure to both forms occurs during mining, milling, and processing. Exposure to non-asbestiform talc by the general population occurs through the use of products such as cosmetics.	Motion to list Talc containing asbestiform fibers as known to be a human carcinogen passed by unanimous vote (7/0). Motion to list Talc not containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 6 yes to 1 no. Negative vote (1) cast because member questioned the biological plausibility of talc using causing ovarian neoplasms in women.	Motion to list Talc containing asbestiform fibers as known to be a human carcinogen was defeated by a vote of 2 yes to 6 no. Negative votes (6) cast because members felt human data were not sufficient to list as a known human carcinogen because asbestiform fibers were not considered to include asbestos contamination.	Motion to list Talc containing asbestiform fibers as reasonably anticipated to be a human carcinogen resulted in a tie vote (5 yes to 5 no). Negatives votes (4) cast because members felt human and animal data not sufficient to list in Report. Other negative (1) cast because member felt action should be deferred.

SUMMARY OF RG1,[9] RG2[2] AND NTP BOARD SUBCOMMITTEE[3] RECOMMENDATIONS FOR THE AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES REVIEWED IN 2000 FOR LISTING IN, DELISTING FROM, OR UPGRADING IN THE REPORT ON CARCINOGENS,[4] 10TH EDITION—Continued

Nomination/CAS No.	Primary uses or exposures	RG1 action	RG2 action	NTP board subcommittee action
			Motion to list Talc containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 6 yes to 2 no. Negative vote (1) cast because member felt data sufficient to list as a known human carcinogen. Other negative vote (1) cast because member felt evidence not adequate to list in the Report. Motion to list Talc not containing asbestiform fibers as reasonably anticipated to be human carcinogen passed by a vote of 7 yes to 1 no. Negative vote (1) cast because member felt animal data not sufficient and human data confounded because of the uncertainty of possible contamination of talc with asbestos.	Motion *not* to list talc not containing asbestiform fibers as reasonably anticipated to be a human carcinogen passed by a vote of 7 yes to 3 no. Negative votes cast either because the member felt that data meets criteria to list talc not containing asbestiform fibers as reasonability anticipated to be a human carcinogen or that ovarian cancer studies should have been considered in the evaluation. The Subcommittee did not consider the ovarian cancer studies in the evaluation of talc not containing asbestiform fibers because it was unclear if the talc used in these studies might have been contaminated with asbestos.
Trichloroethylene (TCE) (79–01–6).	Trichloroethylene is widely used as a solvent with 80–90% used worldwide for degreasing metals.	Motion to list TCE as known to be a human carcinogen passed by unanimous vote (7/0).	Motion to list TCE as known to be a human carcinogen was defeated by a vote of 3 yes to 4 no. Negative votes (4) cast because members felt the human data did not meet the criteria for listing as a known human carcinogen because the exposures in the human studies may not have been specific for TCE.	Motion that the listing of TCE should remain as reasonably anticipated to be a human carcinogen passed by a vote of 9 yes to 1 no. Negative vote (1) because member felt human data sufficient to list as a known human carcinogen.
Wood Dust	It is estimated that at least two million people are routinely exposed occupationally to wood dust worldwide. Non-occupational exposure also occurs. The highest exposures have generally been reported in wood furniture and cabinet manufacture, especially during machine sanding and similar operations..	Motion to list Wood Dust as known to be a human carcinogen passed by unanimous vote (80).	Motion to list Wood as known to be a human carcinogen passed by unanimous vote (70).	Motion to list Wood Dust as known to be a human carcinogen passed by unanimous vote (80).

[1] The NIEHS Review Committee for the Report on Carcinogens (RG1).

[2] The NTP Executive Committee (Agencies from the NTP Executive Committee represented on RG2 include: Agency for Toxic Substances and Disease Registry (ATSDR), Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), National Center for Environmental Health of the Centers for Disease Control and Prevention (NCEH/CDC), National Center for Toxicological Research of the Food and Drug Administration (NCTR/FDA), National Institute for Occupational Safety and Health/CDC (NIOSH/CDC), Occupational Safety and Health Administration (OSHA), National Cancer Institute of the National Institutes of Health (NCI/NIH), and National Institute of Environmental Health Sciences/NIH(NIEHS/NIH) Interagency Working Group for the Report on Carcinogens (RG2).

[3] The NTP Board of Scientific Counselors Report on Carcinogens Subcommittee (the External Peer Review Group).

[4] RoC—Report on Carcinogens.

[FR Doc. 01–5175 Filed 3–2–01; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This Notice is also available on the internet at the following website:*http://www.health.org/workplace*.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443–6014, Fax: (301) 443–3031.

Special Note: Please use the above address for all surface mail and correspondence. For all overnight mail service use the following address: Division of Workplace Programs, 5515 Security Lane, Room 815, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. Subpart C of the Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016(Formerly: Bayshore Clinical Laboratory)

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103, 800–541–4931/334–263–5745

Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513–585–9000 (Formerly: Jewish Hospital of Cincinnati, Inc.)

American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 20151, 703–802–6900

Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866/800–433–2750

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Laboratory Partners, LLC, 129 East Cedar St., Newington, CT 06111, 860–696–8115 (Formerly: Hartford Hospital Toxicology Laboratory)

Clinical Reference Lab, 8433 Quivira Rd., Lenexa, KS 66215–2802, 800–445–6917

Cox Health Systems, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652/417–269–3093 (Formerly: Cox Medical Centers)

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, P.O. Box 88–6819, Great Lakes, IL 60088–6819, 847–688–2045/847–688–4171

Diagnostic Services Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 941–561–8200/800–735–5416

Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Dr., Valdosta, GA 31602, 912–244–4468

DrugProof, Division of Dynacare/Laboratory of Pathology, LLC, 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672/800–898–0180 (Formerly: Laboratory of Pathology of Seattle, Inc., DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310

Dynacare Kasper Medical Laboratories,* 14940–123 Ave., Edmonton, Alberta, Canada T5V 1B4, 780–451–3702/800–661–9876

ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 662–236–2609

Express Analytical Labs, 1301 18th Ave NW, Suite 110, Austin, MN 55912, 507–437–7322

Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall St., London, ONT, Canada N6A 1P4, 519–679–1630

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267

Integrated Regional Laboratories, 5361 NW 33rd Avenue, Fort Lauderdale, FL 33309, 954–777–0018, 800–522–0232, (Formerly: Cedars Medical Center, Department of Pathology)

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Laboratory Specialists, Inc.)

LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–728–4064, (Formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 4022 Willow Lake Blvd., Memphis, TN 38118, 866–827–8042/

800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc., MedExpress/National Laboratory Center)

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734/800–331–3734

MAXXAM Analytics Inc.,* 5540 McAdam Rd., Mississauga, ON, Canada L4Z 1P1, 905–890–2555, (Formerly: NOVAMANN (Ontario) Inc.)

Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43699, 419–383–5213

MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, Minnesota 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

Northwest Drug Testing, a division of NWT Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 801–293–2300/800–322–3361, (Formerly: NWT Drug Testing, NorthWest Toxicology, Inc.)

One Source Toxicology Laboratory, Inc., 1705 Center Street, Deer Park, TX 77536, 713–920–2559 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 541–687–2134

Pacific Toxicology Laboratories, 6160 Variel Ave., Woodland Hills, CA 91367, 818–598–3110/800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory

Pathology Associates Medical Laboratories, 11604 E. Indiana Ave., Spokane, WA 99206, 509–926–2400/800–541–7891

PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 650–328–6200/800–446–5177

PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Dr., Fort Worth, TX 76118, 817–215–8800 (Formerly: Harris Medical Laboratory)

Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–339–0372/800–821–3627

Poisonlab, Inc., 7272 Clairemont Mesa Blvd., San Diego, CA 92111, 858–279–2600/800–882–7272

Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4444 Giddings Road, Auburn Hills, MI 48326, 248–373–9120/800–444–0106, (Formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, 8000 Sovereign Row, Dallas, TX 75247, 214–638–1301 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 972–916–3376/800–526–0947 (Formerly: Damon Clinical Laboratories, Damon/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, 801 East Dixie Ave., Suite 105A, Leesburg, FL 34748, 352–787–9006x4343 (Formerly: SmithKline Beecham Clinical Laboratories, Doctors & Physicians Laboratory)

Quest Diagnostics Incorporated, 400 Egypt Rd., Norristown, PA 19403, 610–631–4600/800–877–7484 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800–669–6995/847–885–2010 (Formerly: SmithKline Beecham Clinical Laboratories, International Toxicology Laboratories)

Quest Diagnostics Incorporated, 7470 Mission Valley Rd., San Diego, CA 92108–4406, 619–686–3200/800–446–4728 (Formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5590 (Formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)

Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818–989–2520/800–877–2520 (Formerly: SmithKline Beecham Clinical Laboratories)

San Diego Reference Laboratory, 6122 Nancy Ridge Dr., San Diego, CA 92121, 800–677–7995/858–677–7970

Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300/800–999–5227

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176

Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602–438–8507/800–279–0027

Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–377–0520, (Formerly: St. Lawrence Hospital & Healthcare System)

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405–272–7052

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 2703 Clark Lane, Suite B, Lower Level, Columbia, MO 65202, 573–882–1273

Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305–593–2260

UNILAB, 18408 Oxnard St., Tarzana, CA 91356, 818–996–7300/800–339–4299 (Formerly: MetWest-BPL Toxicology Laboratory)

Universal Toxicology Laboratories, LLC, 9930 W. Highway 80, Midland, TX 79706, 915–561–8851/888–953–8851

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do. Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (**Federal Register**, 16 July 1996) as meeting the minimum standards of the ''Mandatory Guidelines for Workplace Drug Testing'' (59 **Federal Register**, 9 June 1994, Pages 29908–29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories

and participate in the NLCP certification maintenance program.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5230 Filed 3–2–01; 8:45 am]

BILLING CODE 4160–20–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the following meetings of SAMHSA Special Emphasis Panels I in March, April and May.

A summary of the meetings and a roster of the members may be obtained from: Ms. Coral Sweeney, Review Specialist, SAMHSA, Office of Policy and Program Coordination, Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: 301–443–2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meetings will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, these meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (6) and 5 U.S.C. App.2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: March 2001.
Place: SAMHSA / DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20817,
Closed: Entire Meeting.
Panel: Conference Grants PA 98–90.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I),
Meeting Date: March 2001.
Place: SAMHSA, DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20817.
Closed: Entire Meeting.
Panel: Community Action Grants, CSAT, Room 1789, Rockville, Maryland 20857.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: April 2001.
Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Community Initiated Prevention Intervention, SP 00–01.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel (SEP I).
Meeting Date: April 2001.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Targeted Capacity Expansion, PA 00–01.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).
Meeting Date: April/May 2001.
Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.
Closed: Entire Meeting.
Panel: Community Comprehensive Treatment Program, PA 99–080.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Committee Name: SAMHSA Special Emphasis Panel (SEP I).
Meeting Date: May 2001.
Place: SAMHSA, DEAPR, Parklawn Building, 5600 Fishers Lane, Room 17089, Rockville, Maryland 20817.
Closed: Entire Meeting.
Panel: State Incentive Grant, Homeless II.
Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review.

Dated: February 13, 2001.

Coral Sweeney,

Review Specialist, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–5159 Filed 3–2–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Public Advisory Group Meeting

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group.

DATES: April 4, 2001, at 9 a.m.

ADDRESSES: Fourth floor conference room, 645 ''G'' Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV. The meeting agenda will feature an orientation for Public Advisory Group members and briefings on the Gulf Ecosystem Monitoring program and the annual restoration work plan.

Dated: February 27, 2001.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 01–5257 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE038823

Applicant: Christopher W. Sanders, Sayre, Pennsylvania

The applicant requests a permit to take (capture, handle and release) the Indiana bat (Myotis sodalis), Virginia big-eared bat *(Corynorhinus townsendii virginianus),* and gray bat *(Myotis grisescens).* Activities are proposed for studies throughout the range of the Indiana bat (Eastern and Midwestern U.S.) to identify populations (mistnetting, harp trapping, echolocation), develop methods to minimize or avoid project related impacts to those populations (radio telemetry, banding), and to identify new populations of Indiana bats. The scientific research is aimed at enhancement of survival of the species in the wild.

Permit Number TE038824

Applicant: Jeanette C. Martinez, Minneapolis, Minnesota

The applicant requests a permit to take (capture, handle and release) the Hine's emerald dragonfly *(Somatochlora hineana)* in Door County, Wisconsin, and DuPage, Cook, and Will Counties, Illinois. Research activities proposed are designed to model population dynamics via genetic analyses. The scientific research is aimed at enhancement of survival of the species in the wild.

Permit Number TE039066

Applicant: Merrill B. Tawse, Lucus, Ohio

The applicant requests a permit to take (capture, handle and release) the Indiana bat *(Myotis sodalis)* in Ohio. Research activities include capture, radio-marking, and evaluating habitat used by the Indiana bat. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who requests a copy from the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, *peter_fasbender@fws.gov,* telephone (612) 713–5343, or FAX (612) 713–5292.

Dated: February 16, 2001.

Jeff Gosse,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 01–4932 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability; Travis County TX; Golden-Cheeked Warbler

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for the Endangered Golden-cheeked Warbler (*Dendroica chrysoparia*) During Construction and Operation of a Six-Unit Condominium and One Single-family Residence on Lots One and Two (29.86 acres) at the Southwest Corner of Bridge Point Parkway and City Park Road, Austin, Travis County, Texas (Gray Mountain).

SUMMARY: Gray Mountain, Ltd. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–037888–0. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction and operation of a six-unit Condominium and one single-family residence on a portion of the 29.86 acres of Lots one and two, Coldwater Section one, Phase A, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and the EA/HCP should be received on or before May 4, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to Scott Rowin, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE–037888–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Scott Rowin, at the above U.S. Fish and Wildlife Service Office, Austin, TX.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Gray Mountain, Ltd. plans to construct and operate a six-unit Condominium and one single-family residence, with associated access road/driveway, utilities, and other associated improvements and facilities, on portions of the approximately 29.86-acre property. As proposed, the six-unit condominium will be constructed on Lot One and the single-family residence will be constructed on Lot two, Coldwater Section one, Phase A, Travis County, Texas. This action will eliminate approximately 4.6 acres of habitat and indirectly impact 14.4 additional acres of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating through fee simple or conservation easement to Travis County the remaining 25.26 acres of the property, and providing an additional $33,250.00 to the Balcones Canyonlands Preserve, as administered by Travis County and managed by the City of Austin, for the specific purpose of land acquisition within golden-cheeked warbler habitat or for the management and maintenance of existing preserve lands. This on-site mitigation land is adjacent to existing Balcones Canyonlands Preserve land and will be managed by the City of Austin as such.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 01–5163 Filed 3–2–01; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Reopening of Public Comment Period and Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Forest Management and Timber Harvest in Mississippi and Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft Environmental Assessment and preliminary Finding of No Significant Impact, and receipt of an

application for an incidental take permit for forest management and timber harvest in Mississippi and Alabama. We also provide notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposed incidental take permit. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

International Paper (Applicant) has requested an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 et seq.), as amended (Act). The Applicant anticipates taking the threatened gopher tortoise (*Gopherus polyphemus*) over the next 5 years incidental to forest management for timber production and wildlife enhancement, road construction, research, and timber harvest. The anticipated take and measures to minimize and mitigate these takings will occur on 80,000 acres of the Applicant's fee simple and leased lands in Lamar, George, Pearl River, Greene, Stone, Harrison, Perry, Forrest, and Jackson counties, Mississippi; and in Washington and Mobile counties, Alabama. The proposed permit would authorize incidental take of up to 1,420 tortoises that are not associated with gopher tortoise colonies. Of the tortoises incidentally taken, most would be harmed but not actually killed or physically injured during this 5-year plan.

To minimize and mitigate for taking of gopher tortoises, the Applicant will protect, restore, and maintain habitat for 1,280 tortoises within 240 gopher tortoise colonies within stands where timber will be thinned or regenerated. Adaptive management will be used to ensure that at least 10 colony tortoises are conserved in restored and managed habitat for every 11 tortoises potentially subject to incidental take. The Applicant's Habitat Conservation Plan (HCP) is an interim 5-year plan and permit during which time additional research and planning will be completed for a more long-term comprehensive HCP. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the gopher tortoise is provided in the Applicant's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of a draft EA and HCP for the incidental take application. Copies of the draft EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE033112–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''david_dell@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: The original comment period closed December 27, 2000. The comment period is hereby reopened until April 4, 2001. Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**).

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE033112–0 in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. Will McDearman, Fish and Wildlife Biologist, Jackson Field Office, Mississippi (see **ADDRESSES** above), telephone: 601/321–1124.

SUPPLEMENTARY INFORMATION: The gopher tortoise was listed in 1987 as a threatened species in the western part of its geographic range, west of the Tombigbee and Mobile Rivers in Alabama, Mississippi and Louisiana. The gopher tortoise is a burrowing animal that historically inhabited fire-maintained longleaf pine communities on moderately well drained to xeric soils in the Coastal Plain. These longleaf pine communities consisted of relatively open fire-maintained forests, without a closed overstory, with a well developed herbaceous plant layer of grasses and forbs. About 80% of the original habitat for gopher tortoises was lost by the time the species was listed due to conversions to urban and agricultural land use. On remaining forests, management practices converting longleaf pine to densely planted pine stands for pulpwood production, fire exclusion, and

infrequently prescribed fire further reduced the open forest with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Over 19,000 gopher tortoises have been estimated to occur in the listed range. The tortoise, however, is a long-lived animal with low reproductive rates. Remaining populations, though relatively widespread, are individually small, fragmented, and usually in poor habitat without adequate reproduction for a self-sustaining viable population. Frequent fire no longer naturally occurs in the listed range due to past effects of habitat alteration and fragmentation. Without prescribed fire and other restoration actions the quality of gopher tortoise habitat continues to decline. Land management to avoid the incidental take of tortoises will not recover the species since restoration and active management to maintain habitat is required.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the incidental take permit application.

The biological goal of the Applicant's HCP is to conserve, restore, and sustain all gopher tortoise colonies for a 5-year period in stands where timber will be thinned or regenerated. Prior to timber harvests, each stand will be comprehensively surveyed for gopher tortoise colonies. A management area will be designated for each colony where thinning, prescribed fire, and other measures will be used to reduce or eliminate encroaching shrubs, hardwoods, and as necessary pine trees to create an open forest and optimal conditions for gopher tortoises. Since the density of tortoises is greater in colonies, the objective of the plan is to conserve and manage segments of the population that most likely continue to breed.

Gopher tortoise surveys on 20,000 acres of transects on the Applicant's land have not identified any colonies or populations that are potentially viable with 50 or more interbreeding tortoises. Gopher tortoises occur, overall, at low densities on the Applicant's land. The focus of this interim plan is to conserve the most likely breeding segments of the population that are important for short-term survival. During this period, a long-term plan will be developed based on additional research and comprehensive surveys on up to 80,000 acres of habitat. The goal of the future plan is restore and manage habitat for aggregations of colonies with the greatest potential to contribute to recovery.

The HCP has the following objectives:

1. Survey Applicant's lands within the historic gopher tortoise range to identify tortoise occurrence in relation to soil type and other habitat parameters in order to develop predictive models of tortoise occurrence.

2. Conduct research to form a scientific basis for submission of an HCP for at least an additional 25 years that would seek to build and maintain viable gopher tortoise populations on the Applicant's lands.

3. Conduct research to evaluate adverse effects of mechanized forest management and harvesting, and other silvicultural practices on gopher tortoises.

4. Identify gopher tortoise colonies and designate management areas around these sites. Improve and perpetuate favorable habitat conditions around these management areas.

5. Conduct research necessary to implement long term mitigation with the goal of creating larger, contiguous gopher tortoise management units that will become viable population centers contributing to species recovery goals.

6. Demonstrate successful application of adaptive management, sound science, and third party involvement in development of a broad-base HCP that has the core objective of contributing to gopher tortoise recovery.

7. Establish management, mitigation, and monitoring protocol for implementation of future versions of the HCP in longer term incidental take authorizations.

8. Inform and train applicant's employees, contractors, and recreational users on the gopher tortoise management guidelines specified in the HCP.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 7, 2001.

Sam D. Hamilton,

Regional Director.

[FR Doc. 01–5231 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–6320–ET; HAG–01–0080; OR–10676, et al]

Cancellation of Proposed Withdrawals, and Expiration of Public Land Order; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On October 30, 2000, Public Law (PL) 106–399, the Steens Mountain Cooperative Management and Protective Act of 2000 was enacted into law. As a result of the law, the Bureau of Land Management (BLM) has canceled two withdrawal applications and allowed Public Land Order (PLO) No. 5822 to expire, in Harney County, Oregon.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503–952–6189.

SUPPLEMENTARY INFORMATION: On October 30, 2000, the Steens Mountain Cooperative Management and Protective Act of 2000 (PL 106–399) was enacted into law, superseding two proposed withdrawals and PLO No. 5822.

A Notice of Proposed Withdrawal was published in the **Federal Register**, (64FR50531, September 17, 1999) as FR Doc. 99–23812, for the BLM to withdraw 619,000 acres of Federal lands, 73,900 acres of Federal minerals, and 37,400 acres of Federal Surface lands from the non-discretionary public land and mining laws, for the Steens Mountain Area. Another Notice of Proposed Withdrawal was published in the **Federal Register**, (65FR38849, June 22, 2000) as FR Doc. 00–15781, for the BLM to withdraw 17,056.18 acres of public lands, and 680 acres of non-federal lands, from surface entry and mining, but not the mineral leasing, for the Diamond Craters Outstanding Natural Area/Area of Critical Environmental Concern. In addition, Public Land Order No. 5822, published in the **Federal Register**, (46FR6947, January 22, 1981) as FR Doc. 81–2310, for the BLM withdrew 16,656.18 acres of Federal lands from settlement, sale, location, or entry under the general land laws, including the mining laws, but not

from mineral leasing, for the Diamond Craters Geologic Area has also been superseded by PL 106–399, and allowed to expire.

The segregative effect for the Federal interests in the above mentioned proposed withdrawals, and the PLO, are lifted, subject to PL 106–399, valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: February 26, 2001.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 01–5232 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through December 31, 2000, and contract actions that have been completed or discontinued since the last publication of this notice on October 16, 2000. From the date of this publication, future quarterly notices during this calendar year will be limited to new, modified, discontinued, or completed contract actions. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2001. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (I) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

BON Basis of Negotiation
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
D&MC Drainage and Minor Construction
FR Federal Register
IDD Irrigation and Drainage District
IDD Irrigation District
M&I Municipal and Industrial
NEPA National Environmental Policy Act
O&M Operation and Maintenance
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act
R&B Rehabilitation and Betterment
SOD Safety of Dams
SRPA Small Reclamation Projects Act
WCUA Water Conservation and Utilization Act
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5346.

1. Irrigation, M&I, and miscellaneous water users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim water service contracts for irrigation, M&I, or miscellaneous use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Parsons Ditch Company, Poplar ID, Wearyrick Ditch Company, all in the Minidoka Project, Idaho; and Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA (Public Law 97–293).

5. Bridgeport ID, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

6. Palmer Creek WD Improvement Company, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 13,000 acre-feet.

7. U. S. Fish and Wildlife Service and Boise-Kuna ID, Boise Project, Idaho: Memorandum of agreement for the use of approximately 400 acre-feet of storage space annually in Anderson Ranch Reservoir. Water to be used for wildlife mitigation purposes (ponds and wetlands).

8. North Unit ID and/or City of Madras, Deschutes Project, Oregon: Long-term municipal water service contract for provision of approximately 125 acre-feet annually from the project water supply to the City of Madras.

9. North Unit ID, Deschutes Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Wickiup Dam under the SOD program.

10. North Unit ID, Deschutes Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to convey non-project water.

11. Baker Valley ID, Baker Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to store non-project water.

12. Trendwest Resorts, Yakima Project, Washington: Long-term water exchange contract for assignment of Teanaway River and Big Creek water rights to Reclamation for instream flow use in exchange for annual use of up to 3,500 acre-feet of water from Cle Elum Reservoir for a proposed resort development.

13. City of Cle Elum, Yakima Project, Washington: Contract for up to 2,170 acre-feet of water for municipal use.

14. Farmer's and Buck and Jones Ditch Associations, Rogue River Basin Project, Oregon: Long-term irrigation water service contract for provision of up to 4,475 acre-feet of stored water from Applegate Reservoir (a Corps of Engineers project) in exchange for the assignment of Little Applegate River natural flow rights to Reclamation for instream flow use.

15. Ochoco ID, Crooked River Project, Oregon: Contract for the deferment of the District's annual installment due December 31, 2000 and 2001, under the Ochoco Dam, SOD repayment contract.

16. Burley ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main South Side Canal and works incidental thereto.

17. Minidoka ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main North Side Canal and works incidental thereto.

18. Fremont-Madison ID, Minidoka Project, Idaho-Wyoming: Repayment contract for reimbursable cost of SOD modifications to Grassy Lake Dam.

19. Tualatin Valley ID, Tualatin Project, Oregon: Amendatory contract to allow for the addition of 419.5 acres and appropriate District obligation adjustments.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, Mid-Pacific Region projects other than CVP: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually. *Note.* Copies of the standard forms of temporary water service contracts for the various types of service are available upon written request from the Regional Director at the address shown above.

2. Contractors from the American River Division, Buchanan Unit, Cross Valley Canal, Delta Division, Friant Division, Hidden Unit, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Early renewal of existing long-term contracts; long-term renewal of the interim renewal water service contracts expiring in 2001; water quantities for these contracts total in excess of 5.6M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100–516.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency authorized by Public Law 101–514.

5. U.S. Fish and Wildlife Service, California Department of Fish and Game, Grasslands WD, CVP, California: Water service contracts to provide water supplies for refuges and private wetlands within the CVP pursuant to Public Law 102–575 and Federal Reclamation Laws; quantity to be contracted for is approximately 450,000 acre-feet.

6. Sutter Extension and Biggs-West Gridley WDs, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands.

7. Mountain Gate Community Services District, CVP, California: Amendment of existing long-term water service contract to include right to renew. This amendment will also conform the contract to current Reclamation law, including Public Law 102–575.

8. Santa Barbara County Water Agency, Cachuma Project, California: Repayment contract for SOD work on Bradbury Dam.

9. CVP Service Area, California: Temporary water purchase agreements for acquisition of 20,000 to 200,000

acre-feet of water for fish and wildlife purposes as authorized by the Central Valley Project Improvement Act for terms of up to 3 years.

10. City of Roseville, CVP, California: Execution of long-term Warren Act contract for conveyance of non-project water provided from the Placer County Water Agency. This contract will allow CVP facilities to be used to deliver non-project water to the City of Roseville for use within their service area.

11. Sacramento Municipal Utility District, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and assignment of up to 30,000 acre-feet of CVP water to the Sacramento County Water Agency. The amended contract will conform to current Reclamation law.

12. Mercy Springs WD, CVP, California: Partial assignment of about 7,000 acre-feet of Mercy Springs WD's water service contract to Westlands WD for agricultural use.

13. Santa Barbara County Water Agency, Cachuma Project, California: Contract to transfer responsibility for O&M and O&M funding of certain Cachuma Project facilities to the member units.

14. M&T, Inc., Sacramento River Water Rights Contractors, CVP, California: A proposed exchange agreement with M&T, Inc. to take Butte Creek water rights water from the Sacramento River in exchange for CVP water to facilitate habitat restoration.

15. East Bay Municipal Utility District, CVP, California: Amendment to long-term water service contract No. 14–06–200–5183A to change the points of diversion and adjust water quantities. The amended contract will conform to current Reclamation law.

16. Madera and Lindsay-Strathmore IDs, and Delta Lands Reclamation District No. 770, CVP, California: Execution of 2-to 3-year Warren Act contracts for conveyance of non-project water in the Friant-Kern and/or Madera Canals when excess capacity exists.

17. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

18. Centerville Community Services District, CVP, California: A long-term supplemental repayment contract for reimbursement to the United States for conveyance costs associated with CVP water conveyed to Centerville.

19. El Dorado ID, CVP, California: Execution of long-term Warren Act contract for conveyance of non-project water. This contract will allow CVP facilities to be used to deliver non-project water to the District for use within their service area.

20. Placer County Water Agency, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and adjustment to CVP water quantities. The amended contract will conform to current Reclamation law.

21. Horsefly, Klamath, Langell Valley, and Tulelake IDs, Klamath Project, Oregon: Repayment contract for SOD work on Clear Lake Dam.

22. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts (up to 25 years) with various entities for conveyance of non-project water in the Delta-Mendota Canal and the Friant Division facilities.

23. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly a long-term contract for storage of non-project water in New Melones Reservoir.

24. City of Folsom, CVP, California: Contract to amend their water rights settlement contract's point of diversion.

25. Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

26. Plain View WD, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

27. City of Redding, CVP, California: Amend water service contract No. 14–06–200–5272A for the purpose of renegotiating the provisions of contract Article 15, ''Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

28. Tehama-Colusa Canal Authority, CVP, California: Amendment of existing long-term O&M agreement to also include the O&M of the Red Bluff Diversion Dam and related facilities and to implement certain changes to the Direct Funding provisions of the O&M agreement to comply with applicable Federal law.

29. Byron-Bethany ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

30. Resource Renewal Institute, CVP, California: Proposed water purchase agreement with Resource Renewal Institute for the permanent purchase of water rights on Butte Creek for instream flow purposes.

31. Sacramento Area Flood Control Agency, CVP, California: Execution of a long-term operations agreement for flood control operations of Folsom Dam and Reservoir to allow for recovery of costs associated with operating a variable flood control pool of 400,000 to 670,000 acre-feet of water during the flood control season. This agreement is to conform to Federal law.

32. Lower Tule River, Porterville, and Vandalia IDs, and Pioneer Water Company, Success Project, California: Repayment contract for the SOD costs assigned to the irrigation purpose of Success Dam.

33. Colusa County WD, CVP, California: Proposed long-term Warren Act contract for conveyance of up to 4,500 acre-feet of ground water through the Tehama-Colusa Canal.

34. Banta-Carbona and The West Side IDs, CVP, California: Assignment of 5,000 acre-feet of each district's water service contract to the City of Tracy. The assignment will require approval of conversion of the districts' CVP irrigation water to M&I water.

35. Friant Water Users Authority and San Luis and Delta-Mendota Water Authority, CVP, California: Amendments to the Operation, Maintenance, and Replacement and Certain Financial and Administrative Activities' Agreements to implement certain changes to the Direct Funding provisions to comply with applicable Federal law.

36. Monterey County Water Resources Agency, SRPA, California: Proposed contract amendment to provide for deferral of installments of construction charges under a SRPA loan repayment contract.

37. Monterey Regional Water Pollution Control Agency, SRPA, California: Proposed contract amendment to provide for deferral of installments of construction charges under a SRPA loan repayment contract.

38. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the operation, maintenance, and replacement and certain financial and administrative activities related to the Madera Canal and associated works.

39. Truckee-Carson ID, Newlands Project, Nevada: Amendment to O&M contract No. 7–07–20–X0348 to include mutually agreed upon Consumer Price Index for the current year and incorporation of a new Consumer Price Index as determined by the Contracting Officer applicable to Fallon, Nevada (or the nearest urban area in the event that such index is not determined for Fallon, Nevada).

40. Clear Creek Community Services District, CVP, California: Contract to transfer title to Clear Creek South Unit to the District.

41. El Dorado ID, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sly Park Dam,

Jenkinson Lake, and appurtenant facilities from the CVP to the El Dorado ID.

42. Foresthill Public Utilities District, CVP, California: Title transfer agreement for conveyance of CVP facilities. This agreement will allow transfer of title for Sugarpine Dam and appurtenant facilities from the CVP to Foresthill Public Utility District.

43. Carpinteria WD, Cachuma Project, California: Contract to transfer title to Carpinteria Distribution System to the District.

44. Monticito WD, Cachuma Project, California: Contract to transfer title to Monticito Distribution System to the District.

45. Delano-Earlimart, Exeter, Ivanhoe, Lindmore, Lindsay-Strathmore, Madera, Shafter Wasco, and Stone Corral IDs; South San Joaquin Municipal Utilities District; and Tea Pot Dome WD, Friant Unit, CVP, California: Contract to transfer title to 11 distribution systems to the respective districts.

46. City of Vallejo, Solano Project, California: Execution of long-term Warren Act Contract for conveyance of non-project water. This contract will allow Solano Project facilities to be used to deliver non-project water to the City of Vallejo for use within their service area.

47. Northridge WD, CVP, California: Execution of long-term Warren Act Contract for conveyance of non-project water. This contract will allow CVP facilities to be used to deliver non-project water to the Northridge WD for use within their service area.

The following contract action has been completed since the last publication of this notice on October 16, 2000.

1. (5) Townsend Flat Ditch Company, or its shareholders, Centerville Community Services District and McConnell Foundation, CVP, California: Proposed exchange contract for 6,000 acre-feet of water in relation to the Clear Creek restoration and fish passage program in Section 3406(b)12) of the Central Valley Project Improvement Act. Contract Nos. 00–WC–20–1707 and 00–WC–20–1708 executed August 11, 2000.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

1. Milton and Jean Phillips, Cameron Brothers Construction Company, Ogram Farms, John J. Peach, Sunkist Growers, Inc., BCP, Arizona: Colorado River water delivery contracts as recommended by the Arizona Department of Water Resources with agricultural entities located near the Colorado River for up to 3,168 acre-feet per year total.

2. Armon Curtis, Arlin Dulin, Jack Rayner, Glen Curtis, Jamar Produce Corporation, and Ansel T. Hall, BCP, Arizona: Amendatory Colorado River water delivery contracts to exempt each referenced contractor from the acreage limitation and full-cost pricing provisions of the RRA.

3. Brooke and Havasu Water Companies, BCP, Arizona: Contracts for additional Colorado River water to entities located along the Colorado River in Arizona for up to 1,540 acre-feet per year for domestic uses as recommended by the Arizona Department of Water Resources.

4. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California,* and BCP in Arizona and Nevada: Agreement for delivery of Colorado River water for the National Park Service's Federal Establishment PPR for diversion of 500 acre-feet annually and the National Park Service's Federal Establishment PPR to Executive Order No. 5125 (April 25, 1930).

5. Mohave Valley IDD, BCP, Arizona: Amendment of current contract for additional Colorado River water, change in service area and diversion points, RRA exemption, and PPRs.

6. Miscellaneous PPR entitlement holders, BCP, Arizona and California: New contracts for entitlement to Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California,* as supplemented or amended, and as required by section 5 of the Boulder Canyon Project Act. Miscellaneous PPRs holders are listed in the January 9, 1979, Supreme Court Supplemental Decree in *Arizona* v. *California et al.*

7. Miscellaneous present PPR No. 11, BCP, Arizona: Assign a portion of the PPR from Holpal to McNulty et al.

8. Federal Establishment PPRs entitlement holders, BCP: Individual contracts for administration of Colorado River water entitlement of the Colorado River, Fort Mojave, Quechan, Chemehuevi, and Cocopah Indian Tribes.

9. United States facilities, BCP, California: Reservation of Colorado River water for use at existing Federal facilities and lands administered by Reclamation.

10. Bureau of Land Management, BCP, Arizona: Contract for 1,176 acre-feet per year, for irrigation use, of Arizona's Colorado River water that is not used by higher priority Arizona entitlement holders.

11. Curtis Family Trust et al., BCP, Arizona: Contract for 2,100 acre-feet per year of Colorado River water for irrigation.

12. Beattie Farms SW, BCP, Arizona: Contract for 1,890 acre-feet per year of unused Arizona entitlement of Colorado River water for irrigation use.

13. U.S. Fish and Wildlife Service, Lower Colorado River Refuge Complex, BCP, Arizona: Agreement to administer the Colorado River water entitlement for refuge lands located in Arizona to resolve water rights coordination issues and to provide for an additional entitlement for non-consumptive use of flow through water.

14. Hillander C ID, Colorado River Basin Salinity Control Project, Arizona: Colorado River water delivery contract for 4,500 acre-feet per year.

15. Maricopa-Stanfield IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30-W0047 to reschedule repayment pursuant to June 28, 1996, agreement.

16. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

17. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

18. San Tan ID, CAP, Arizona: Amend distribution system repayment contract No. 6–07–30–W0120 to increase the repayment obligation by approximately $168,000.

19. Central Arizona Drainage and ID, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0048 to modify repayment terms pursuant to final order issued by U.S. Bankruptcy Court, District of Arizona.

20. City of Needles, Lower Colorado Water Supply Project, California: Amend contract No. 2–07–30–W0280 to extend Needles' water service subcontracting authority to the Counties of Imperial and Riverside.

21. Imperial ID/Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve All-American Canal seepage water in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act dated November 17, 1988.

22. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve seepage water from the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water

Rights Settlement Act, dated November 17, 1988.

23. Southern Nevada Water Authority, Robert B. Griffith Water Project, BCP, Nevada: Amend the repayment contract to provide for the incorporation of the Griffith Project into the expanded southern Nevada Water System, funded and built by Southern Nevada Water Authority, to facilitate the diversion, treatment, and conveyance of additional water out of Lake Mead for which the Authority has an existing entitlement to use.

24. Salt River-Pima Maricopa Indian Community, CAP, Arizona: O&M contract for its CAP water distribution system.

25. U.S. Army Proving Ground, BCP, Arizona: Amend agreement to add additional points of diversion for Colorado River water.

26. Arizona State Land Department, BCP, Arizona: Colorado River water delivery contract for 1,535 acre-feet per year for domestic use.

27. Miscellaneous PPR No. 38, BCP, California: Assign Schroeder's portion of the PPR to Murphy Broadcasting and change the place and type of water use.

28. Berneil Water Company, CAP, Arizona: Water service contracts associated with partial assignment of water service to the Cave Creek Water Company.

29. Tohono O'odham Nation, CAP, Arizona: Repayment contract for construction costs associated with water distribution system for Central Arizona IDD.

30. Tohono O'odham Nation, CAP, Arizona: Contracts for Schuk Toak and San Xavier Districts for repayment of Federal expenditures for construction of distribution systems.

31. Canyon Forest Village II Corporation, BCP, Arizona: Colorado River water delivery contract for up to 400 acre-feet per year of unused Arizona apportionment or surplus apportionment for domestic use.

32. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

33. ASARCO Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

34. BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

35. Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2001.

36. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts for percentages of available supply reallocated in 1992 for irrigation entities and up to 640,000 acre-feet per year allocated in 1983 for M&I use.

37. Southern Nevada Water Authority, Robert B. Griffith Water Project, Nevada: Title transfer of physical facilities with interest in acquired lands and grant or assignment of perpetual rights or easements over Federal lands.

38. Hohokam IDD, CAP, Arizona: Amend water distribution system repayment contract to reflect final project costs.

39. Gila River Indian Community, CAP, Arizona: Amend CAP water delivery contact and distribution system repayment and operation, maintenance, and replacement contract pursuant to anticipated Gila River Indian Community Water Rights Settlement Agreement.

40. Basic Management, Inc., Salinity Project, Nevada: Title transfer of the Pitman Wash Bypass Demonstration Project Facilities and all interests in acquired lands and easements associated with an obligation to continue bypassing the water in Pitman Wash.

41. BHP Copper, Inc., CAP, Arizona: Proposed agreement and amendments to CAP water delivery subcontracts to transfer BHP Copper's CAP water allocation to the City of Scottsdale, Town of Carefree, and Tonto Hills Utility Company.

42. California WDs, BCP, California: Incorporate into the water delivery contracts with several water districts (Coachella Valley WD, Imperial ID, Palo Verde ID, and The Metropolitan WD of Southern California), through new contracts, contract amendments, contract approvals, or other appropriate means, the agreement to be reached with those water districts to (i) quantity the Colorado River water entitlements for Coachella Valley WD and Imperial ID and (ii) provide a basis for water transfers among California water districts.

43. Coachella Valley WD, BCP, California: Amend contract designated symbol 14–20–650, contract No. 631, which authorizes the United States to construct irrigation and drainage works for certain Indian lands within the District, to provide for construction of necessary facilities to allow water deliveries for irrigation of up to 322 acres of lands on the Torres-Martinez Indian Reservation located within the Coachella Valley WD's Improvement District No. 1.

44. North Gila Valley IDD, Yuma ID, and Yuma Mesa IDD, Yuma Mesa Division, Gila Project, Arizona: Administrative action to amend each district's Colorado River water delivery contract to effectuate a change from a ''pooled'' water entitlement for the Division to a quantified entitlement for each district.

45. Indian and/or non-Indian M&I users, CAP, Arizona: New or amendatory water service contracts or subcontracts in accordance with an anticipated final record of decision for reallocation CAP water, as discussed in the Secretary of the Interior's notice published on page 41456 of the FR on July 30, 1999.

46. San Carlos-Apache Tribe, CAP, Arizona: Agreement among the United States, Salt River Project Agricultural Improvement and Power District, and the Salt River Valley Water User's Association for exchange of up to 14,000 acre-feet of Black River Water for CAP water.

47. San Carlos-Apache Tribe, Arizona: Agreement among the San Carlos-Apache Tribe, the United States, and the Phelps Dodge Corporation for the lease of Black River Water.

48. Arizona Water Banking Authority and Southern Nevada Water Authority, BCP, Arizona and Nevada: Contract to provide for the interstate contractual distribution of Colorado River water through the offstream storage of Colorado River water in Arizona, the development by the Arizona Water Banking Authority of intentionally created unused apportionment, and the release of this intentionally created unused apportionment by the Secretary of the Interior to Southern Nevada Water Authority.

49. Gila River Farms, Arizona: Amendment of SRPA contract to restructure the repayment schedule.

50. Litchfield Park Service Company, CAP, Arizona: Proposed assignment of 5,580 acre-feet of CAP M&I water to the Central Arizona Groundwater Replenishment District and to the Cities of Avondale, Carefree, and Goodyear.

51. Shepard Water Company, Inc., Arizona: Contract for the delivery of 50 acre-feet of domestic water.

52. The United States International Boundary and Water Commission, The Metropolitan WD of Southern California, San Diego County Water Authority, and Otay WD, Mexican Treaty Waters: Agreement for the temporary emergency delivery of a portion of the Mexican Treaty waters of the Colorado River to the International Boundary in the vicinity of Tijuana, Baja California, Mexico.

53. Arizona State Land Department, CAP, Arizona: Proposed assignment of 1,000 acre-feet of the Department's CAP M&I water entitlement to the City of Peoria.

54. City of Chandler, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Chandler's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian community.

55. City of Mesa, CAP, Arizona: Proposed amendment of CAP water delivery subcontract to delete provision requiring offsetting reduction of Mesa's CAP water entitlement for quantities of water received in a direct effluent exchange with an Indian community.

The following contract actions have been discontinued since the last publication of this notice on October 16, 2000.

1. (13) Arizona Game and Fish Department, BCP, Arizona: Contract for 250 acre-feet per year of unused Arizona entitlement of Colorado River water for environmental use until a permanent water supply can be obtained.

2. (26) Bullhead City, BCP, Arizona: Assignment of annual 1,800 acre-feet of Colorado River water entitlement and associated service area from Mohave County Water Conservation District to Bullhead City, Arizona.

3. (27) U.S. Army Proving Ground, BCP, Arizona: Agreement of 1,883 acre-feet of Colorado River water per year.

4. (33) Don Schuler, BCP, California: Temporary delivery contract for surplus and/or unused apportionment Colorado River water for domestic and industrial use on 18 lots of recreational homes.

5. (62) Central Arizona Water Conservation District, CAP, Arizona: Agreement for delivery of CAP excess water to the Gila River Indian Community and the San Carlos IDD in exchange for San Carlos Reservoir water.

The following contract actions have been completed since the last publication of this notice on October 16, 2000.

1. (9) United States facilities, BCP, Arizona: Reservation of Colorado River water for use at existing Federal facilities and lands administered by Reclamation. (This action has been completed in Arizona, but is still listed in this report for California).

2. (41) BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

3. (42) Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

4. (43) Bureau of Reclamation, BCP, Arizona and California: Surplus Colorado River water entitlements for environmental habitat improvement projects.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

1. Individual irrigators, M&I, and miscellaneous water users, Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) Harrison F. and Patricia E. Russell, Aspinall Unit, CRSP, Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 97CW39, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial).

(b) City of Page, Arizona, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

(c) LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet for municipal purposes.

(d) Walter Daniel Stephens, Aspinall Unit, CRSP, Colorado: Contract for 2 acre-feet to support an augmentation plan, Case No. 97CW49, Water Division Court No. 4, State of Colorado, to provide for pond evaporative depletions during the non-irrigation season.

(e) Daggett County, Utah, Flaming Gorge Unit, CRSP, Utah: M&I water service contract covering payment for and delivery of 1,000 acre-feet of untreated water as required by Section 10(k)(2) of Public Law 105–326.

2. San Juan-Chama Project, New Mexico: San Juan Pueblo repayment contract for up to 2,000 acre-feet of project water for irrigation purposes. Taos Area—The Taos area Acequias, the Town and County of Taos are forming a joint powers agreement to form an organization to enter into a repayment contract for up to 2,990 acre-feet of project water to be used for irrigation and M&I in the Taos, New Mexico area.

3. Carlsbad ID, Carlsbad Project, New Mexico: Contract to provide for repayment of the District's 15 percent share of proposed modifications to Avalon Dam under the SOD program.

4. The National Park Service, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

5. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: A long-term water service contract for up to 25,000 acre-feet for irrigation use.

6. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

7. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, Colorado River Water Conservation District, Uncompahgre Project, Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

8. Southern Ute Indian Tribe, Florida Project, Colorado: Supplement to contract No. 14–06–400–3038, dated May 7, 1963, for an additional 181 acre-feet of project water, plus 563 acre-feet of water pursuant to the 1986 Colorado Ute Indian Water Rights Final Settlement Agreement.

9. Grand Valley Water Users Association, Orchard Mesa ID, and Public Service Company of Colorado, Grand Valley Project, Colorado: Water service contract for the utilization of project water for cooling purposes for a steam electric generation plant.

10. Public Service Company of New Mexico, CRSP, Navajo Unit, New Mexico: New water service contract for a depletion of 16,200 acre-feet of project water for cooling purposes for a steam electric generation plant.

11. Sanpete County Water Conservancy District, Narrows Project, Utah: Application for a SRPA loan and grant to construct a dam, reservoir, and pipeline to annually supply approximately 5,000 acre-feet of water through a transmountain diversion from upper Gooseberry Creek in the Price River drainage (Colorado River Basin) to the San Pitch—Savor River (Great Basin).

12. Individual irrigators, Carlsbad Project, New Mexico: The United States proposes to enter into long-term forbearance lease agreements with individuals who have privately held water rights to divert non-project water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. This action will result in additional water in the Pecos River to make up for the water depletions caused

by changes in operations at Sumner Dam which were made to improve conditions for a threatened species, the Pecos bluntnose shiner.

13. Dolores Water Conservancy District, Dolores Project, Colorado: Carriage contract with the District to carry up to 8,000 acre-feet of non-project water in project facilities under the authority of the Warren Act of 1911.

14. Various contractors, San Juan-Chama Project, New Mexico: The United States proposes to purchase lease water from various contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow.

15. Ogden River Water Users Association and Weber Basin Water Conservancy District, Ogden River and Weber Basin Projects, Utah: Contract to provide for repayment of water users portion of construction contract due to SOD investigations recommendations at Pineview Dam.

The following contract actions have been discontinued since the last publication of this notice on October 16, 2000.

1. (2) Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

2. (3) Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

The following contract action has been completed since the last publication of this notice on October 16, 2000.

1. (1)(g) James F. Squirrell, Aspinall Unit, CRSP, Colorado: Ten-year contract for 23 acre-feet of M&I water to support the augmentation plan. Mr. Squirrell has filed a Finding of Fact and Ruling of Referee with the Division 4 Water Court of the State of Colorado, case No. 97–CW–223, dated July 7, 1999. The augmentation plan requires Mr. Squirrell to augment out-of-priority depletions caused by the operation of the Arrowhead Subdivision's potable water supply system.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

1. Individual irrigators, M&I, and miscellaneous water users: Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Temporary (interim) water service contracts for the sale, conveyance, storage, and exchange of surplus project water and non-project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term up to 1 year.

2. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use; contract with Colorado Water Conservation Board and the U.S. Fish and Wildlife Service for 10,825 acre-feet for endangered fishes.

4. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

5. City of Rapid City, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for storage capacity in Pactola Reservoir. A temporary (1 year not to exceed 10,000 acre-feet) water service contract will be negotiated with the Rapid Valley Water Conservancy District, Rapid Valley Unit, for use of water from Pactola Reservoir.

6. Pathfinder ID, North Platte Project, Nebraska: Negotiation of contract regarding SOD program modification of Lake Alice Dam No. 1 Filter/Drain.

7. Northern Cheyenne Indian Reservation, Yellowtail Unit, Lower Bighorn Division, P–SMBP, Montana: The Northern Cheyenne Reserved Water Rights Settlement Act of 1992 allocates to the Tribe, 30,000 acre-feet of water per year stored at Bighorn Reservoir, Montana. In accordance with section 9 of the Act, Reclamation and the Tribe must negotiate an agreement for the water. The Tribe is to pay the United States both capital and O&M costs for water the Tribe uses or sells from this storage for M&I purposes. Reclamation and the Tribe are continuing to negotiate the terms of the agreement. The agreement has been sent to the Tribe for signature. A date for execution has not been scheduled.

8. Mid-Dakota Rural Water System, Inc., South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a non-profit corporation for the planning and construction of a rural water supply system.

9. Angostura ID, Angostura Unit, P–SMBP, South Dakota: Another interim 3-year contract was executed on June 9, 2000, to provide for a continuing water supply and allow adequate time for completion of the Environmental Impact Statement for long-term contract renewal. A BON for a long-term contract renewal has been sent to the Denver Office for review/approval by the Commissioner's Office.

10. Cities of Loveland and Berthoud, Colorado, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance of non-project M&I water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906. The BON has been approved by the Commissioner.

11. Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities. The BON has been approved by the Commissioner. Negotiations are pending.

12. P–SMBP, Kansas: Existing water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas were extended for a period of 4 years in accordance with Public Law 104–326. These contracts will be renewed prior to their expiration on December 31, 2003 (Kirwin ID) and December 31, 2005 (Webster ID). It is anticipated that a draft environmental assessment will be prepared by July 2001 and the final environmental assessment will be completed prior to executing the contracts.

13. City of Cheyenne, Kendrick Project, Wyoming: Negotiation of a contract to renew for an additional term of 5 years. Contract for up to 10,000 acre-feet of storage space for replacement water on a yearly basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

14. Highland-Hanover ID, P–SMBP, Hanover-Bluff Unit, Wyoming: Renegotiation of long-term water service contract; includes provisions for repayment of construction costs.

15. Upper Bluff ID, P–SMBP, Hanover-Bluff Unit, Wyoming: Renegotiation of long-term water service

contract; includes provisions for repayment of construction cost.

16. Fort Clark ID, P–SMBP, North Dakota: Negotiation of a water service contract to continue delivery of project water to the District.

17. Nueces River Project, Texas: Recalculate existing contract repayment schedule to conform with the provisions of the Emergency Drought Relief Act of 1996. The revised schedule is to reflect a 5-year deferment of payments. Received approval of the BON from the Commissioner and a public notice has been printed in the Corpus Christi Caller-Times.

18. Western Heart River ID, P–SMBP, Heart Butte Unit, North Dakota: Negotiation of a water service contract to continue delivery of project water to the District.

19. Lower Marias Unit, P–SMBP, Montana: Water service contract expired in July 2000. Initiating renewal of existing contract for 25 years for up to 480 acre-feet of storage from Tiber Reservoir to irrigate 160 acres. Received approved BON from the Commissioner. Currently performing a water availability study and consulting with the Tribes regarding the Water Rights Compact. A 1-year interim contract will be issued to continue delivery of water until the necessary actions can be completed to renew a long-term contract.

20. Lower Marias Unit, P–SMBP, Montana: Initiating 25-year water service contract for up to 750 acre-feet of storage from Tiber Reservoir to irrigate 250 acres. A 1-year temporary contract has been issued to allow additional time to complete necessary actions required for the long-term contract. Another 1-year temporary has been issued to continue delivery of water until the long-term renewal process can be completed.

21. Lower Marias Unit, P–SMBP, Montana: Water service contract expired May 2000. Initiating renewal of existing long-term contract for 25 years for up to 4,570 acre-feet of storage from Tiber Reservoir to irrigate 2,285 acres. Currently performing a water availability study and consulting with the Tribes regarding the Water Rights Compact. A 1-year interim contract has been issued to continue delivery of water until the necessary actions can be completed to renew the long-term contract. Another 1-year temporary will be issued to continue delivery of water until the long-term renewal process can be completed.

22. Dickinson-Heart River Mutual Aid Corporation, P–SMBP, Dickinson Unit, North Dakota: Negotiate renewal of water service contract for irrigation of lands below Dickinson Dam in western North Dakota.

23. Savage ID, P–SMBP, Montana: A second interim contract has been entered into with the District. The District is currently seeking title transfer. The contract is subject to renewal on an annual basis pending outcome of the title transfer process.

24. City of Fort Collins, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance and storage of non-project M&I water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906.

25. Green Mountain Project, Colorado: Historic user pool contracts for surplus water for recreation. This contract is to benefit the endangered fish.

26. Keith Bower (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 500 acre-feet of irrigation water to service 144 acres.

27. Canyon Limited Liability (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 16 acre-feet of supplemental irrigation water to service 4 acres.

28. L.U. Sheep Company (Individual), P–SMBP, Boysen Unit, Wyoming: Contract for up to 60 acre-feet of irrigation water to service 180 acres.

29. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Acting by and through the Pleasant Valley Pipeline Project Water Activity Enterprise, beginning discussions and draft BON for a long-term contract for conveyance of non-project water through Colorado-Big Thompson Project facilities.

30. Standing Rock Sioux Tribe, P–SMBP, North Dakota: Negotiate a long-term water service contract with the Standing Rock Sioux Tribe in North Dakota for irrigation of up to 2,380 acres of land within the reservation.

31. North Fork Valley Ditch (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 1,000 acre-feet of water to service 855 acres.

32. Virginia L. and Earl K. Sauerwein (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 100 acre-feet of water to service 126 acres.

33. Denise J. Evans (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 100 acre-feet of water to service 48.5 acres.

34. Glendo Unit, P–SMBP, Wyoming: Contract amendment to long-term water service contracts for Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company pursuant to Public Law 105–293, as amended in October 2000.

35. Glendo Unit, P–SMBP, Nebraska: Contract amendment to long-term water service contracts for Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID pursuant to Public Law 105–293, as amended in October 2000.

36. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested deferment of its 2001 construction payment. Received approval of the BON and delegation of authority to execute an amendment for deferment of the 2001 construction charge installment from the Commissioner. A public notice has been printed in the San Angelo Times.

37. Belle Fourche ID, Belle Fourche Project, South Dakota: Contract amendment to reduce their required annual payment to be more commensurate with the ability to pay.

38. Helena Valley Unit, P–SMBP, Montana: Initiating negotiations for renewal of Part A of the A/B contract with Helena Valley ID which expires in 2003.

39. Crow Creek Unit, P–SMBP, Montana: Initiating negotiations for renewal of Part A of the A/B contract with Toston ID which expires in 2004.

40. Louis F. Polk, Jr. (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Exchange water service contract not to exceed 500 acre-feet of water to service 249 acres.

The following contract actions have been completed since the last publication of this notice on October 16, 2000.

1. (27) Fryingpan-Arkansas Project, Colorado: Proposed contract amendment to contract No. 9–07–70–W099 with Busk-Ivanhoe, Inc. Contract has been executed.

2. (29) Fryingpan-Arkansas Project, Colorado: Pueblo Board of Wter Works, long-term storage and conveyance contract.

3. (36) Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: SOD repayment contract negotiations for modification to Horsetooth Dam.

4. (42) Fryingpan-Arkansas Project, Colorado: Pueblo Board of Water Works, long-term conveyance contract.

Dated: February 26, 2001.

Sandra L. Simons,

Acting Deputy Director, Office of Policy.

[FR Doc. 01–5233 Filed 3–2–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection; School-Based Partnership Response Phase Report.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 15, 2000, 65 FR 49836, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until April 14, 2001. This process is conducted in accordance with 5 CFR 1320.10.

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 Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate 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) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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, e.g., permitting electronic submission of responses.

Overview of This Information

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: COPS School-Based Partnership Response Phase Report.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form COPS PPSE/03. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Approximately 275 COPS School-Based Partnership '98 and '99 grant recipients will be asked to respond. The COPS School-Based Partnership Response Phase report will allow the COPS office to collect information on the responses utilized by three grantees to tackle the crime and disorder problems being addressed through the problem-solving model. The COPS Office will use the information collected to examine issues grantees have faced with respect to generating, selecting and implementing effective responses. A report on these findings may prove vital to other grantees in implementing effective responses. Additionally, the information will help the COPS Office anticipate challenges of current and future School-Based Partnership grantees and will help inform future program design.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Surveys will be administered by mail to approximately 275 COPS School-Based Partnership '98 and '99 grant recipients. Administrative preparation and survey completion will take approximately 0.75 hours per respondent (there is no record keeping burden on this collection).

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated burden hours are 207.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

Dated: February 28, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5277 Filed 3–2–01; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services, Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection; School-Based Partnership Implementation Report.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 15, 2000, 65 FR 49835, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until April 4, 2001. This process is conducted in accordance with 5 CFR 1320.10.

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 Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, National Place, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate 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) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

Overview of This Information

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* COPS School-Based Partnership Implementation Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS PPSE/04. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Approximately 500 grant project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project, will be asked to respond. The COPS School-Based Partnership Report will allow the COPS office to collect information from COPS School-Based Partnership '98 grantees on the implementation of collaborative problem-solving techniques used to address crime and disorder in and around schools. The COPS office will use the information collected to examine the processes undertaken by SBP grantees in implementing collaborative problem-solving techniques. A report of these findings will identify lessons learned and will provide recommendations to policing agencies and schools seeking to implement similar problem-solving partnerships.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Surveys will be administered by mail to approximately 500 project coordinators, school administrators, and school resource officers, who have participated in the implementation of a COPS School-Based Partnership '98 grant project. Survey completion will take approximately 0.25 hours per respondent (there is no recordkeeping burden for this collection).

(6) *An estimate of the public burden (in hours) associated with the collection:* The estimated burden hours are 125.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: February 28, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5278 Filed 3–2–01; 8:45 am]

BILLING CODE 4410–AT–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–032]

NASA Advisory Council, Aero-Space Technology Advisory Committee, Aviation Operations Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

Federal Register Citation of Previous Announcement: 66FR29, Notice Number 01–022, February 12, 2001.

Previously Announced Dates of Meeting: Wednesday, March 28, 2001, 1 p.m. to 5 p.m. and Thursday, March 29, 2001, 8:30 a.m. to 4:30 p.m. The meeting will be rescheduled.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Jacobsen, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–3743.

Dated:February 27, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–5213 Filed 3–2–01; 8:45 am]

BILLING CODE 7510–01–P

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the reports and recommendations of the Commission's standing Committees.

DATES: The meeting will begin at 10 a.m. on Wednesday, March 14, 2001.

ADDRESSES: The meeting will be held at the Holiday Inn, 700 Elm Street, Manchester, NH.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 64 Main Street, Room 21, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256

Dated: February 27, 2001.

Daniel Smith,

Executive Director.

[FR Doc. 01–5272 Filed 3–2–01; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Calvert Cliffs Nuclear Power Plant, Inc; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Exemption

1.0 Backround

Calvert Cliffs Nuclear Power Plant, Inc. (CCNPPI, the licensee) is the holder of Renewed Facility Operating License Nos. DPR–53 and DPR–69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP). The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors located in Calvert County, Maryland.

2.0 Purpose

Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) for normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR part 50, Appendix G states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 also states that the ''P–T limits identified as ''ASME [American Society of Mechanical Engineers] Appendix G limits'' in Table 1 require that the limits must be at least as conservative as limits obtained by

following the methods of analysis and the margins of safety of Appendix G of Section XI of the ASME Code.'' Section XI of the ASME Code, Appendix G, Figure G–2210–1 specifies a K_{Ia} fracture toughness curve for reactor vessel materials in determining P–T limits.

To address provisions of a proposed license amendment to the Technical Specification P–T limits for CCNPP, the licensee requested, in its submittal of September 14, 2000, that the NRC staff exempt CCNPP from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Case N–640. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the K_{Ic} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{Ic} fracture toughness curve, K_{Ic} curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve, K_{Ia} curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and, therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60.

Code Case N–640 (Formerly Code Case N–626)

The licensee has proposed an exemption to allow use of ASME Code Case N–640 in conjunction with ASME Section XI, 10 CFR 50.60(a) and 10 CFR part 50, Appendix G, to determine P–T limits. These revised P–T limits have been developed using the K_{Ic} fracture toughness curve, in lieu of the K_{Ia} fracture toughness curve, as the lower bound for fracture toughness.

Use of the K_{Ic} curve in determining the lower bound fracture toughness in the development of P–T operating limits curve is more technically correct than use of the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The NRC staff has required use of the initial conservatism of the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P–T curves based on the K_{Ic} curve will enhance overall plant safety by opening the P–T operating window with the greatest safety benefit in the region of low temperature operations.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; * * *''

The underlying purpose of 10 CFR part 50, Appendix G is to provide an adequate margin of safety against brittle failure of the RPV. Use of a P–T limit that is at least as conservative as the limits obtained by following the methods of analysis and margin of safety of the ASME Code, Section XI, Appendix G is not necessary, in this case, to achieve the underlying purpose of the rule. Specifically, substitution of the K_{Ic} fracture toughness curve for the K_{Ia} fracture toughness curve for establishing the P–T limits provides a more technically correct outcome in that it accounts for the rate of loading during heatup or cooldown and is more representative of a static condition. In addition, the staff has determined that improved knowledge regarding the RPV materials justifies elimination of unnecessary conservatisms, such as that brought about by the use of the K_{Ia} curve. Use of the less conservative K_{Ic} curve would provide an adequate margin of safety against brittle failure of the RPV in this case, due in part to the remaining conservatisms incorporated into the methodologies of 10 CFR part 50, Appendix G and Regulatory Guide 1.99 which would still be applicable. Therefore, use of a P–T limit that is at least as conservative as the limits obtained by following the methods and margins of safety of the ASME Code, Section XI, Appendix G, is not necessary in this case to achieve the underlying purpose of the rule, i.e., to provide sufficient margin of RPV fracture toughness to ensure structural integrity of the RPV.

Therefore, the staff concludes that granting an exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N–640 may be used to revise the P–T limits for CCNPP.

4.0 Conclusion

In summary, the ASME Section XI, Appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff concurs that this increased knowledge permits relaxation of the ASME Section XI, Appendix G, requirements by application of ASME Code Case N–640. Implementation of the proposed P–T limits, as allowed by ASME Code Case N–640, are sufficient to ensure the structural integrity of RPVs during plant operations. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants CCNPPI an exemption from the requirements of 10 CFR Part 50, Section 50.60(a) and 10 CFR Part 50, Appendix G, for CCNPP.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 9729).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of February 2001.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5217 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8681–MLA–9; ASLBP No. 01–789–01–MLA]

International Uranium (USA) Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.1201, 2.1207, notice is hereby given that (1) a single member of the Atomic Safety and Licensing Board Panel is designated as Presiding Officer to rule on petitions for leave to intervene and/or requests for hearing; and (2) upon making the requisite findings in accordance with 10 CFR 2.1205(h), the Presiding Officer will conduct an adjudicatory hearing in the following proceeding:

International Uranium (USA) Corporation (Source Material License Amendment)

The hearing will be conducted pursuant to 10 CFR part 2, Subpart L, of the Commission's Regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding concerns a February 7, 2001 request for hearing submitted by the Glen Canyon Group of the Sierra Club. The request was filed in response to a request from International Uranium (USA) Corporation (IUSA) to amend its source material license to receive and process alternate feed materials at its Blanding, Utah White Mesa Uranium Mill from the Molycorp site located in Mountain Pass, California. The notice of receipt of the amendment and opportunity for a hearing was published in the **Federal Register** on January 9, 2001 (66 FR 1702).

The Presiding Officer in this proceeding is Administrative Judge Alan S. Rosenthal. Pursuant to the provisions of 10 CFR 2.722, 2.1209, Administrative Judge Richard F. Cole has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judges Rosenthal and Cole in accordance with 10 CFR 2.1203. Their addresses are:

Administrative Judge Alan S. Rosenthal, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Richard F. Cole, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued at Rockville, Maryland, this 27th day of February 2001.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 01–5214 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285]

Omaha Public Power District; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee) for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The proposed amendment would change the surveillance requirements for laboratory testing of the charcoal adsorbers for the control room, the spent fuel pool storage area and the safety injection pump rooms. In addition, the amendment would delete the laboratory testing requirements for the containment charcoal adsorbers. The changes comply with the guidance of Generic Letter (GL) 99–02, ''Laboratory Testing of Nuclear-Grade Activated Charcoal.''

Before issuance of the proposed license amendment, 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 request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment 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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Testing the control room, spent fuel pool storage area and safety injection pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not increase the probability or consequences of an accident previously evaluated. As noted in GL 99–02, testing to the new standards will strengthen the assurance the charcoal adsorbers will perform their design function during a Loss of Coolant Accident (LOCA). The ASTM D3803–1989 testing methodology is superior to the method OPPD [Omaha Public Power District] presently uses.

Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not involve a significant increase in the probability or consequences of an accident previously evaluated. This change is being accomplished in accordance with SRP [Standard Review Plan] 6.5.2. The containment spray system is an ESF [engineered safety feature] system and its operability is assured by Technical Specifications 2.4 and 3.6. In addition, the LOCA radiological consequences analyses were revised to re-confirm that OPPD is in compliance with SRP 6.4. The revised analyses resulted in a post-LOCA control room thyroid dose of 32 REM, which exceeds the SRP 6.4 limit of 30 REM. The SRP 6.4 dose limits are based on ICRP–2 dose methodology. The critical organ approach of ICRP–2 has been replaced by the ICRP–30 dose methodology that utilizes a weighted sum of doses to all irradiated organs and tissues. The applicable dose limits for analyses utilizing the ICRP–20 methodology are 5 REM for stochastic effects, 50 REM for all organs and tissues (e.g., thyroid), and 15 REM for the lens of the eye. The ICRP–30 dose methodology has been approved and implemented by the NRC through the new 10 CFR Part 20 regulation. Therefore, the calculated doses presented above are acceptable and meet the intent of SRP 6.4.

Finally, these changes will not affect non-credited functions of the containment charcoal adsorbers. The filters will be left in place, but not credited in the Loss of Coolant (LOCA) radiological consequences analyses. The filters will be tested in accordance with TS 3.6 (3) to verify they are not clogged by excessive amounts of foreign matter.

In conclusion, based on the discussion above, these changes will not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Testing the control room, spent fuel pool storage area and safety injection pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not create the possibility of a new or different kind of accident from any accident previously evaluated. Testing to the new standards will strengthen the assurance the

charcoal adsorbers will perform their design function during a Loss of Coolant Accident. The ASTM D3803–1989 testing protocol is superior to the method OPPD presently uses. Finally, testing these charcoal adsorbers in accordance with requirements of ASTM D3803–1989 will bring OPPD in compliance with the requirements of Generic Letter 99–02.

Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not create the possibility of a new or different kind of accident from any accident previously evaluated. This change is being accomplished in accordance with SRP 6.5.2. Using the containment spray system instead of the containment charcoal adsorbers is a different, but equally effective, approach to mitigating the consequences of a LOCA.

This change will not result in any physical alterations to the containment spray system or the control room, spent fuel pool storage area, S.I. [safety injection] pump rooms or containment charcoal adsorbers. This change will not result in any physical alterations to any plant configuration, systems, or operational characteristics. There will be no changes in operating modes, or safety limits, or instrument limits. Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Testing the control room, spent fuel pool storage area and S.I. pump rooms charcoal adsorbers in accordance with the requirements of ASTM D3803–1989 will not involve a significant reduction in a margin of safety. Testing to the new standards will strengthen the assurance the charcoal adsorbers will perform their design function during a LOCA. The ASTM D3803–1989 testing protocol is superior to the method OPPD presently uses. Finally, testing these charcoal adsorbers in accordance with requirements of ASTM D3803–1989 will bring OPPD in compliance with the requirements of Generic Letter 99–02. Removing credit for the containment charcoal adsorbers and replacing their function with the containment spray system will not involve a significant reduction in a margin of safety.

This change is being accomplished in accordance with SRP 6.5.2. The containment spray system is an ESF system and its operability is assured by Technical Specifications 2.4 and 3.6. In addition, the LOCA radiological consequences analyses were revised to re-confirm that OPPD is in compliance with SRP 6.4.

The revised analyses resulted in a post-LOCA control room thyroid dose of 32 REM, which exceeds the SRP 6.4 limit of 30 REM. The SRP 6.4 dose limits are based on ICRP–2 dose methodology. The critical organ approach of ICRP–2 has been replaced by the ICRP–30 dose methodology that utilizes a weighted sum of doses to all irradiated organs and tissues. The applicable dose limits for analyses utilizing the ICRP–30 methodology are 5 REM for stochastic effects, 50 REM for all organs and tissues (e.g., thyroid), and 15 REM for the lens of the eye. The ICRP–30 dose methodology has been approved and implemented by the NRC through the new 10 CFR 20 regulation. Therefore, the calculated doses presented above are acceptable and meet the intent of SRP 6.4.

Finally, these changes will not affect non-credited functions of the containment charcoal adsorbers. The filters will be left in place, but not credited in the Loss of Coolant Accident (LOCA) radiological consequences analyses.

In conclusion, these changes will not significantly reduce a margin of safety because: (1) Use of a superior test methodology will provide better assurance of the safety functionality of credited charcoal filters, and (2) the analysis for control room dose is now based on empirical in-leakage data.

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 request involves 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 amendment 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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves 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 April 5, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 amendment 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 request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005–3502, 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 amendment dated April 14, 2000, and supplements dated June 2, July 28, and December 1, 2000, and January 31, 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 1st day of March 2001.

For the Nuclear Regulatory Commission.

L. Raynard Wharton,

Project Manager, Section 2 Project Directorate IV and Decomissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5409 Filed 3–2–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549. Extension: Notification under Regulation E; Form 1–E; Rule 604 and Rule 605, SEC File No. 270–221, OMB Control No. 3235–0232.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Rule 604—Filing of Notification on Form 1–E

Rule 604 of Regulation E [17 CFR 230.604] under the Securities Act of 1933 [15 U.S.C. 77a et seq.] (''Securities Act'') requires a small business investment company (''SBIC'') or a business development company (''BDC'') claiming an exemption from registering its securities under the Securities Act to file a notification with the Commission on Form 1–E.

Rule 605—Filing and Use of the Offering Circular

Rule 605 of Regulation E [17 CFR 230.605] under the Securities Act requires an SBIC or BDC claiming an exemption from registering its securities under the Securities Act to file an offering circular with the Commission that must also be provided to persons to whom an offer is made.

Form 1–E—Notification Under Regulation E

Form 1–E is the form that an SBIC or BDC uses to notify the Commission that it is claiming an exemption under Regulation E from registering its securities under the Securities Act. Form 1–E requires an issuer to provide the names and addresses of the issuer, its affiliates, director, officers, and counsel; a description of events which would make the exemption unavailable; the jurisdiction in which the issuer intends to offer its securities; information about unregistered securities issued or sold by the issuer within one year before filing the notification on Form 1–E; information as to whether the issuer is presently offering or contemplating offering any other securities; and exhibits, including copies of the offering circular and any underwriting contracts.

The Commission uses the information provided in the notification on Form 1–E and the offering circular to determine whether an offering qualifies for the exemption under Regulation E. It is estimated that approximately three issuers file with the Commission approximately two notifications on Form 1–E annually, including offering circulars. The Commission estimates that the total burden hours for preparing these notifications would be 600 hours

in the aggregate. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) 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; (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 collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 16, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–4931 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Industry Guides, SEC File No. 270–69, OMB Control No. 3235–0069

Notice of Exempt Roll-Up Preliminary Communication, SEC File No. 270–396, OMB Control No. 3235–0425.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Industry Guides are used by registrants in certain specified industries as disclosure guidelines in preparing Securities Act of 1933 (''Securities Act'') and Securities Exchange Act of 1934 (''Exchange Act'') registration statements as well as other Exchange Act filings. The information filed with the Commission using the industry guides permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The information required by the industry guides is filed on occasion and is mandatory. All information is provided to the public. The Commission estimates for administrative purposes that the total annual burden is one hour and the total number of respondents is one.

Notice of Exempt Preliminary Roll-Up Communication (''Notice'') is required to be filed by a person making such a communication by Exchange Act Rules 14a–2(b)(4) and 14a–6(a). The Notice provides public information regarding the person's ownership interest and any potential conflicts of interest. The Notice is filed on occasion and the information required is mandatory. All information is provided to the public upon request. The Notice takes approximately .25 hours per response and is filed by 4 respondents for a total 1 annual burden hour.

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 control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 21, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5245 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44005; File No. SR–CBOE–00–60]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Change Its Membership Application Posting Process and Clarify Its Membership Rules

February 26, 2001.

I. Introduction

On November 22, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule to change its membership application posting process and to make some clarifying revisions to its membership rules. The Commission issued a release seeking comment on the proposed rule change[3] which was published in the **Federal Register** on January 18, 2001. No comments were received on the proposal. On January 12, 2001, CBOE filed Amendment No. 1 to the proposed rule change.[4] This order approves the proposed rule change, as amended.

II. Description of the Proposed Rule Change

The Exchange propose to change its membership application posting process and make some clarifying revisions to its membership rules.

Under CBOE Rule 3.9(e), a posting must be included in the Exchange Bulletin and on the Exchange Bulletin Board with respect to any application for membership, any application from a current member to change membership capacity statuses, and any application to change Clearing Members (unless the posting requirement is waived under certain specified circumstances in accordance with the provisions of the rule). CBOE Rule 3.9(e) also provides that the posting period on the Exchange Bulletin Board be no less than ten days, and that the Exchange's Membership Committee shall determine the required posting period for each of these types of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43827 (January 9, 2001), 66 FR 4874.

[4] In Amendment No. 1, CBOE made minor technical changes to the rule text that do not need to be published for comment. *See* letter from Arthur B. Reinstein, Associate General Counsel, CBOE, to Sapna Patel, Attorney, Division of Market Regulation (''Division''), Commission (January 11, 2001) (''Amendment No. 1'').

applications in conformity with this minimum time period. The posting period for each of these application categories is fourteen days. The posting must set forth the name of the applicant and the application request. Its purpose is to provide members with an opportunity to submit information concerning an applicant that may bear on the applicant's qualifications and fitness for membership under the Exchange's rules. Under CBOE Rule 3.9(h), an application may not be approved until any applicable posting requirement has been satisfied.

The Exchange represents that two factors have caused it to propose changing its membership application posting process. First, the Exchange represents that it receives no submissions from members in response to the postings for the vast majority of applicants that are posted to the membership on the Exchange's Bulletin Board as part of the posting process. Second, the Exchange represents that it has a less extensive and shorter application process for current members that are applying to change membership capacity statuses and for member applicants that have been a member at any time during the last six months. In addition, the Exchange represents that it is able to process these applications well before the expiration of the posting period in most cases. According to the Exchange, the vast majority of these applicants are required to wait for a period of time following the completion of the processing of their applications for their new membership capacities to become effective. The Exchange believes that this results in inefficiency in the conduct of business on the Exchange, as well as inconvenience to these applicants.

The Exchange therefore proposes to change its membership application posting process to eliminate this inefficiency and inconvenience, while at the same time preserving the ability of members to submit information concerning the qualifications and fitness for membership of applicants. Specifically, the Exchange proposes to amend CBOE Rule 3.9(e) to eliminate the posting period for current members that are applying to change membership capacity statuses and for member applicants that have been a member during the last six months. Additionally, the Exchange intends to notify its membership via circular that the Membership Department will accept submissions concerning any current or former member at any time (in contrast to the current limited formal submission period during the posting period) and that these submissions will be retained in the member's membership file.[5] Subsequently, if a current or former member submits any membership application and there is a submission for that current or former member in the membership file at the time of submission of the application, the submission concerning that current or former member will be reviewed and considered in the same manner that occurs under the posting process.

Further, the Exchange proposes to retain the posting period requirement for new membership applicants (*i.e.,* those membership applicants that have never been a member or that have not been a member during the last six months). The Exchange represents that the posting period generally does not result in a delay in processing these applications because they are subject to a more extensive and longer application process that takes more than fourteen days (during which there is adequate time to complete a fourteen day posting). In addition, the Exchange proposes to retain the posting period for an application to change Clearing Members (which in the vast majority of cases is waived pursuant to the current provision of CBOE Rule 3.9(e), which provides for the waiver of this posting period if the Clearing Member(s) that will no longer be guaranteeing the member's Exchange transactions consents to such a waiver).

The Exchange also proposes to make the following clarifying changes to its membership rules. The Exchange proposes to revise CBOE Rule 3.9(f) to clarify those categories of membership applicants for which the Exchange does not conduct a background investigation due to the fact that the applicant is a current member, the applicant was recently a member, or the Exchange recently conducted a background investigation concerning the applicant. Specifically, the Exchange proposes to revise CBOE Rule 3.9(f) to clarify that the Membership Department is not required under CBOE Rule 3.9(f) to investigate the following categories of applicants: (i) Any associated person applicant who is a current member, (ii) any member applicant that was a member during the last six months before the date of receipt of that applicant's membership application by the Membership Department, and (iii) any member or associated person applicant that was investigated by the Membership Department during the last six months before the date of receipt of that applicant's application by the Membership Department. In addition, the Exchange proposes to revise CBOE Rule 3.9(f) to clarify that the Membership Department retains the discretion to investigate any applicant that is not required to be investigated under CBOE Rule 3.9(f) if the Membership Department determines that a background investigation is warranted under the circumstances.

Further, the Exchange proposes to revise Rule 3.13(c) to clarify that the payment for the purchase of a membership by a certified or cashier's check must be in the amount of the purchase price and to permit payment via a wire transfer.

The Exchange also proposes to clarify the provisions of CBOE Rule 3.14(c)(iv). CBOE Rule 3.14(c)(iv) sets forth one of the four circumstances pursuant to which a membership may be transferred without going through the normal auction process for the purchase and sale of Exchange memberships. Specifically, CBOE Rule 3.14(c)(iv) provides that the owner of a transferable membership may request the transfer of the membership to an individual or organization which is a partner or shareholder of the transferor as part or all of a distribution of the transferor.[6] The Exchange proposes to revise CBOE Rule 3.14(c)(iv) to clarify that the transferee must have at least a fifty percent interest in the transferor. Without this provision, a person could avoid the normal membership auction process by becoming a nominal partner or shareholder in a member organization and then having the member organization transfer the membership to that partner or shareholder. Further, the Exchange proposes to revise CBOE Rule 3.14(c)(iv) to delete the word ''liquidation'' because of confusion between a liquidation distribution and a non-liquidation distribution (given that an entity can have partial liquidation in which it does not distribute all of its assets and continues in operation following the partial liquidation). Because the Exchange has interpreted Rule 3.14(c)(iv) to permit membership transfers in connection with partial liquidation distributions, and because the Exchange believes there is no meaningful distinction in this context between a partial liquidation distribution and a regular distribution, the Exchange proposes to delete the

[5] The CBOE indicated that the circular will be detailed and widely disseminated. The circular will be attached to the back of the CBOE rule book and made readily available to the public. Telephone conversation between Arthur B. Reinstein, Associate General Counsel, CBOE, and Sapna C. Patel, Attorney, Division, Commission (January 5, 2001).

[6] Under CBOE Rule 3.3.01, the transferee could also be a limited liability company member if the transferor were a limited liability company.

word ''liquidation'' to make it easier for members to understand CBOE Rule 3.14(c)(iv).

Further, the Exchange proposes to clarify the nature of the security interest received by the grantee of an Authorization to Sell under CBOE Rule 3.14(d)(viii) which allows an owner of a transferable membership to voluntarily grant to another member an Authorization to Sell the membership. The Exchange represents that the grantee of an Authorization to Sell is vested with all of the authority provided for under the Exchange's Constitution and Rules relating to the sale of the membership. Pursuant to CBOE Rule 3.15(b), the grantee of an Authorization to Sell also has the right on the sale of the membership to submit claims against the grantor that are related to the grantor's Exchange business activities, which will be satisfied out of the proceeds of the sale of the membership. CBOE Rule 3.14(d)(viii) provides that the grant of an Authorization to Sell a membership includes the grant of a security interest in any proceeds from the sale of the membership that the grantee of the Authorization to Sell is entitled to receive under CBOE Rule 3.15(b). The Exchange proposes to revise CBOE Rule 3.14(d)(viii) to clarify that the grant of an Authorization to Sell also includes the grant of a security interest in the membership to the extent necessary to establish the priority of the security interest in the membership sale proceeds that the grantee is entitled to receive under CBOE Rule 3.15(b). The Exchange has interpreted CBOE Rule 3.14(d)(viii) to provide for a security interest in the membership and believes that the grant of a security interest is fairly and reasonably implied from the existing language of CBOE Rule 3.14(d)(viii). The Exchange simply proposes to revise CBOE Rule 3.14(d)(viii) to make the language of Rule more explicit.

The Exchange also proposes to revise CBOE Rule 3.24, the Exchange's Member Death Benefit Rule,[7] to make clear that the term ''active member'' under that rule only includes individual members and is not intended to include associated persons who are not individual members pursuant to the Exchange's rules. Specifically, the definition of the term ''active member'' in CBOE Rule 3.24(c) would be revised to replace the words ''natural person'' in that definition with the words ''individual member.'' The remainder of definition of ''active member'' in CBOE Rule 3.24(c) would not be revised. Thus, as revised, the definition of ''active member'' contained in CBOE Rule 3.24(c) would state that the term ''active member'' shall mean any individual member who is a nominee of a member organization, a Chicago Board of Trade exerciser, a lessee of an Exchange membership, or an owner of an Exchange membership that is not being leased to a lessee.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder application to a national securities exchange.[8] In particular, the Commission believes that the proposal is consistent with section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

The Commission believes that the changes to the Exchange's membership application posting process, under CBOE Rule 3.9(e), will help the Exchange streamline its application process and avoid unnecessary delay while preserving the ability of members to provide input. Although the Exchange proposes to amend CBOE Rule 3.9(e) to eliminate the requirement that there be a posting period for current members that are applying to change membership capacity statuses and for member applicants that have been a member during the last six months, the Exchange has, at the same time, preserved members' ability to submit information concerning the qualifications and fitness for membership of applicants. The Exchange will notify its membership via circular that its Membership Department will accept submissions concerning any current or former member at any time and that these submissions will be retained in the member's membership file. These submissions will then be reviewed the same as under the Exchange's posting process if a current or former member submits a membership application.

In addition, the Commission finds that it is appropriate for the Exchange to retain its current posting periods for new membership applicants and for applications to change Clearing Members because the application process takes more time.

The Commission believes that clarifying CBOE Rule 3.9(f) on background investigations, CBOE Rule 3.13(c) on the purchase of memberships, CBOE Rule 3.14(c)(iv) on the sale and transfer of memberships, and CBOE Rule 3.24(c) on who is considered an ''active member'' under the Member Death Benefit Rule, will provide members with better guidance as to the meaning of these rules.

The Commission therefore finds that the Exchange's proposed rule change is consistent with the Act because it is designed to promote just and equitable principles of trade and to protect investors and the public interest by providing a more efficient membership application posting process and by clarifying its membership rules.

IV. Conclusion

For the foregoing reasons, the Commission finds that CBOE's proposal to change its membership application posting process and to make some clarifying revisions to its membership rules, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CBOE–00–60), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5246 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[7] CBOE Rule 3.24(b) provides that the following individuals are eligible for the Member Death Benefit; (i) Any individual who is an active member at the time of his or her death; and (ii) any individual who (a) was an active member within ninety days prior to the date of his or her death, and (b) was an active member during at least 274 out of the 365 days preceding the date of his or her termination from active member status.

[8] 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).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44000; File No. SR–CHX–00–27]

Self-Regulatory Organization; Order Granting Accelerated Approval of a Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Participation in Crossing Transactions Effected on the Exchange Floor

February 23, 2001.

I. Introduction

On September 14, 2000, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), 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 relating to participation in crossing transactions effected on the exchange floor. The CHX amended the proposal on January 18, 2001.[3] The **Federal Register** published the proposed rule change, as amended, for comment on February 2, 2001.[4] The Commission received no comments on the proposal. This order approves the proposal on an accelerated basis.

II. Description of Proposal

The Exchange proposes to amend Article XX, Rule 23 of the Exchange's rules relating to participation in crossing transactions in Nasdaq/National Market (''NNM'') securities effected on the floor of the Exchange. This proposal is currently operating, on a pilot basis through February 28, 2001, for Dual Trading System issues traded on the Exchange.[5] This pilot was approved in connection with the securities industry's move to a decimal pricing environment. The proposed rule change would extend the pilot to cover crossing transactions in NNM securities.

Under current CHX Rule 23, if a floor broker presents a crossing transaction involving NNM issues, another member may participate, or ''break up,'' the transaction, by offering (after presentation of the proposed crossing transaction) to better one side of the transaction by the minimum price variation. The floor broker is then effectively prevented from consummating the transaction as a ''clean cross.'' In instances where the minimum price variation is relatively small, it is very inexpensive for a member to break up crossing transactions in this matter.

Under the proposed pilot program, a floor broker will be permitted to consummate cross transactions in NNM issues, as well as Dual Trading System issues, involving 5,000 shares or more, without interference by any specialist or market maker if, prior to presenting the cross transaction, the floor broker first requests a quote for the subject security.[6] These requests will place the specialist and other market makers on notice that the floor broker is intending to ''cross'' within the bid-offer spread. The proposed rule change will operate on a pilot basis through July 9, 2001.

III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[7] Specifically, the Commission finds that the proposed rule change is consistent with the section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.[9]

The Commission believes that the proposed rule change strikes a reasonable balance between the ability of floor brokers on the Exchange to execute crossing transactions and the ability of specialists and market makers to provide price improvement. In addition, the Commission believes that requiring floor brokers to request a quote in a particular security before presenting the transaction to be crossed will provide specialists and market makers both sufficient notice that the cross is about to occur between the bid and offer spread and an opportunity to improve their quote. The Commission notes that floor brokers would still retain the ability to present both sides of the order at the post if the customers so desire.

The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The proposed rule change is designed to minimize possible negative effects on crossing transactions of decimal pricing, which is scheduled to begin in NNM securities on March 12, 2001. In addition, the Commission notes that the proposed rule change is being approved on a pilot basis only, through July 9, 2001. In light of these factors, the Commission finds good cause to approve the proposed rule change on an accelerated basis.

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–CHX–00–27), as amended, is approved through July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5248 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter dated January 16, 2001, from Kathleen M. Boege, Associate General Counsel, CHX, to Alton S. Harvey, Office Head, Division of Market Regulation, Commission (''Amendment No. 1''). Amendment No. 1 requests pilot approval of the proposed rule change through July 9, 2001.

[4] Securities Exchange Act Release No. 43882 (January 24, 2001), 66 FR 8819.

[5] Dual Trading System issues are issues that are listed on either the New York Stock Exchange or the American Stock Exchange. *See* Securities Exchange Act Release No. 43203 (August 24, 2000), 65 FR 53067 (August 31, 2000) (approving SR–CHX–00–13 on a pilot basis through February 28, 2001). The proposed rule change deletes the provisions of Article XX, Rule 23 that govern cross transactions in NNM issues, and, thus, has the effect of also extending the pilot program in Dual Trading System issues until July 9, 2001.

[6] These updated quotes will not be directed solely to the floor broker. Anyone at the post may respond to the updated quotes.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44003; File No. SR–NASD–01–10]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Requiring Conversion to Decimals of Open Fractional Orders in Nasdaq Securities

February 26, 2001.

I. Introduction

On January 29, 2001, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission''), 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 that would require all open orders priced in fractions in NASD member firms' systems on the evening before that security is to commence quoting in decimals to be converted to decimals. Notice of the proposed rule change appeared in the **Federal Register** on February 6, 2001.[3] The Commission received no comments on the proposed rule change. This order grants accelerated approval of the proposed rule change.

II. Description of the Proposal

Pursuant to the Decimals Implementation Plan for the Equities and Options Markets (''Implementation Plan''), which was submitted to the Commission on July 24, 2000, the NASD is to fully convert the Nasdaq market to decimal pricing no later than April 9, 2001. Before full implementation, Nasdaq will begin a decimal pricing pilot program for 10–15 Nasdaq issues on March 12, 2001, and add a second decimal phase-in of approximately 100+ additional Nasdaq securities on March 26, 2001.

Nasdaq's proposal would adopt a mandatory conversion rule for all open orders in Nasdaq securities that are priced in fractions and reside in the internal systems of NASD member firms on the evening prior to the first day a particular security commences quoting in decimals. Under the proposal, all open orders, including those with price qualifiers such as ''Do Not Reduce'' (''DNR'') and ''Do Not Increase'' (''DNI''), priced in fractions that reside in a firm's internal system on the evening before the start of decimal pricing, will be converted as follows: (1) The price of all open Buy Orders (including ''Good-til-Canceled'' (''GTC''), ''Good-til-Executed'' (''GTX''), and Buy Stop and Buy Stop Limits) priced in fractions will be converted to their decimal equivalent and ''rounded down'' to the nearest $0.01; and (2) the price of all open Sell Orders (GTC, GTX, Sell Stop and Sell Stop Limits) priced in fractions will be converted to their decimal equivalent and ''rounded up'' to the nearest $0.01. Examples of fractional buy and sell conversions were provided in the notice for SR–NASD–01–10.[4]

Under the proposal, market participants would be free to accept decimal-priced orders for any number of values beyond the decimal point as they deem appropriate after the conversion to decimals. Nasdaq will continue to require that firms round orders to two decimal places before submitting them to Nasdaq for display in the quote montage. Likewise, the Automated Confirmation Transaction Service (''ACT'') will only accept trade reports up to six places beyond the decimal point and disseminate decimal priced transaction reports to four decimal points to the tape.

III. Discussion

The Commission has reviewed carefully the proposed rule change, and finds that it is consistent with the Act and the rules and regulations promulgated thereunder.[5] Specifically, the Commission finds that approval of the proposed rule change is consistent with section 15A(b)(6)[6] of the Act, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and 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 believes that uniform open fractional order conversion methodology may aid in structuring an orderly transition from fractional to decimal pricing. The Commission finds that Nasdaq's proposal is narrowly tailored to require only the conversion of open fractional orders that reside in the internal systems of NASD member firms on the evening prior to the first day a particular security commences quoting in decimals. After the conversion, market participants will be free to accept orders priced in decimals for any number of values beyond the decimal point. The Commission believes Nasdaq's approach is reasonable, and that requiring such conversion may help to reduce investor confusion, reduce discrepancies in reconciliation, and in general, provide for a more orderly transition to decimal pricing.

The Commission finds good cause for approving the proposed rule change prior to the 30th date after the date of publication of notice of the filing in the **Federal Register.** Notice of the proposal indicated that the Commission would consider granting accelerated approval of the proposed rule change after a 15-day comment period.[7] The Commission received no comments on the proposal. Given the absence of comments, and Nasdaq's resolve to begin decimal pricing in certain Nasdaq securities on March 12, 2001, the Commission finds good cause to approve the proposal on an accelerated basis to ensure adequate notice of the rule in advance of March 12, 2001.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, in general, and with section 15A(b)(6),[8] in particular.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–01–10), be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5249 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[4] Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[5] 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).

[6] 15 U.S.C. 78o–3(b)(6).

[7] *See* Securities Exchange Act Release No. 43906 (January 30, 2001), 66 FR 9115 (February 6, 2001).

[8] 15 U.S.C. 78o–3(b)(6)

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43998; File No. SR–NASD–01–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Amendments to Rule 10301 of the Code of Arbitration Procedure To Prohibit Terminated, Suspended, Barred or Otherwise Defunct Firms From Enforcing Predispute Arbitration Agreements in the NASD Arbitration Forum

February 23, 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 25, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Dispute Resolution, Inc. (''NASD Dispute Resolution'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

III below, which Items have been prepared by NASD Dispute Resolution, On February 15, 2001, NASD Dispute Resolution filed Amendment No. 1 to the proposal.[3] On February 22, 2001, NASD Dispute Resolution filed Amendment No. 2 to the proposal.[4] 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

NASD Dispute Resolution is proposing to amend Rule 10301 of the Code of Arbitration of the NASD, to prohibit a firm that has been terminated, suspended, or barred from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD arbitration forum. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

10301. Required Submission

(a) Any dispute, claim, or controversy eligible for submission under the Rule 10100 Series between a customer and an active member and/or associated person arising in connection with the business of such member or in connection with the activities of such associated persons shall be arbitrated under this Code, as provided by any duly executed and enforceable written agreement or upon the demand of the customer. *A claim involving a member in the following categories shall be ineligible for submission to arbitration under the Code unless the customer agrees in writing to arbitrate the claim after it has arisen:*

1. *A member whose membership is terminated, suspended, canceled, or revoked;*

2. *A member that has been expelled from the NASD; or*

3. *A member that is otherwise defunct.*

(b)–(d) Unchanged.

* * * * *

[3] *See* letter from Laura Leedy Gansler, Counsel, NASD Dispute Resolution, to Florence Harmon, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated February 14, 2001 (''Amendment No. 1''). In Amendment No. 1, NASD Dispute Resolution made changes to the description of the rule change to more accurately describe its purpose.

[4] *See* letter from Laura Leedy Gansler, Counsel, NASD Dispute Resolution, to Florence Harmon, Senior Special Counsel, Division, Commission, dated February 21, 2001 (''Amendment No. 2''). In Amendment No. 2, NASD Dispute Resolution made further changes to the description of the rule change to more accurately describe its purpose.

II. Self–Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Dispute Resolution 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. NASD Dispute Resolution 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

In October 1998, the Government Accounting Office (''GAO'') undertook a study of the securities industry arbitration process, focusing on the number of unpaid arbitration awards. In its report, *Securities Arbitrations: Actions Needed to Address Problem of Unpaid Awards* (''GAO Report''), the GAO found that a significant percentage of the awards favorable to customers that were issued in 1998 were unpaid. The majority of unpaid awards involved arbitration cases against firms that the NASD had terminated from membership for serious violations of the federal securities laws and NASD rules, or that had filed for bankruptcy. In fact, investors collect their awards in well over 90 percent of the NASD cases involving active firms.

The GAO noted that the NASD takes aggressive action to address complaints about nonpayment of awards. However, in response to the recommendations in the GAO Report, NASD Dispute Resolution has taken the following additional steps to track and address non-payment. In NASD *Notice to Members* 00–55, published August 10, 2000, NASD Dispute Resolution introduced a new system of monitoring and tracking compliance with arbitration awards by members and associated persons. On September 18, 2000, NASD Dispute Resolution began asking Claimants to notify it if a member or associated person has not paid the arbitration award within 30 calendar days of receipt of the award. In addition, member firms are now required to notify NASD Dispute Resolution in writing within 30 days of receipt of an award that they or their associated persons have paid or otherwise complied with the award, or to identify a valid basis for non-payment. NASD Dispute Resolution has agreed to provide the Commission with quarterly reports on the results of this process. These steps will enable the NASD to institute suspension proceedings promptly when appropriate, and will prevent unnecessary regulatory effort in cases in which the award is the subject of a pending motion to vacate or there is another valid basis for non-payment.

Even in light of NASD Dispute Resolution's vigorous efforts to ensure payment of awards, the GAO Report highlighted the fact that customers in arbitration cases involving terminated or suspended members face a significantly higher risk of non-payment than in cases involving active members. While non-payment of awards by terminated or suspended members is beyond the control of NASD Dispute Resolution, NASD Dispute Resolution recognizes that it may be inappropriate to permit terminated or suspended members to require customers who have claims against them to arbitrate such claims in the NASD forum when an arbitration award may be unenforceable against the terminated or suspended member. In such cases, NASD Dispute Resolution believes that even customers who have signed a predispute arbitration agreement should be able to seek relief in court, where they could more directly avail themselves of any judicial remedies available under state law, including those that might prevent the dissipation of assets. Due to the time required for the appointment of arbitrators, and the delay inherent in the process of converting an arbitration award into an enforceable judgment, the ability to go directly to court to seek relief may save customers precious time in cases in which the dissipation of assets is a threat.

Therefore, NASD Dispute Resolution is proposing to amend Rule 10301 of the Code of Arbitration Procedure to prohibit a firm that has been terminated, suspended, or expelled from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD forum. As a corollary to this rule change, NASD Dispute Resolution will advise customers making claims against a terminated or suspended member of the member's status, so that the customers can decide whether to proceed in arbitration, to file their claim in court, or to take no action.

The proposed rule change precludes terminated, suspended, barred, or otherwise defunct members from requiring a customer to arbitrate in the NASD forum under Rule 10301, unless the customer agrees in writing to arbitrate the claim in the NASD forum

after the claim has arisen. The proposed rule change is similar to Rule 10301(d) of the Code of Arbitration Procedure, which provides that class actions are ineligible for arbitration in the NASD forum. It is also similar in principle to New York Stock Exchange (''NYSE'') Rule 600(f), which makes employment discrimination claims ineligible for arbitration in the NYSE forum unless the parties agree to arbitrate after the claim has arisen.

2. Statutory Basis

NASD Dispute Resolution believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Because terminated, suspended, barred or otherwise defunct firms have a significantly higher incidence of non-payment of arbitration awards than do active firms, NASD Dispute Resolution believes that the proposed rule change will protect investors and the general public by giving customers greater flexibility to seek remedies against such firms.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Dispute Resolution 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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether it 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 the file number in the caption above and should be submitted by March 26, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5250 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78*o*(b)(6).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43993; File No. SR–NYSE–01–03]

Self-Regulatory Organizations: Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Supplementary Material to Rules 451 and 465 Concerning Householding

February 22, 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 February 7, 2001, the New York Stock Exchange, Inc. (''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On February 14, 2001, the NYSE submitted Amendment No. 1 to the proposed rule change.[3] 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

Many listed company proxy statements and annual reports are mailed to beneficial holders of the company's stock by brokerage firms. The practice of sending only one proxy statement or annual report to multiple beneficial holders with a single address is known as ''householding.'' A newly effective Commission rule now permits householding by implied consent with certain appropriate safeguards.[4] The Exchange proposes to amend its own rules to align them with the Commission's recent amendments.[5] The NYSE's proposal would permit members to household annual reports, interim reports, proxy statements and other material so long as they comply with applicable Commission rules, including Rule 14b–1 and under the Act.[6]

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 Exchange 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 III below. The Exchange 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

Rules of the Commission and the Exchange require member organizations

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Darla C. Stuckey, Assistant Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, SEC, dated February 12, 2001 (''Amendment No. 1''). In Amendment No. 1, the Exchange corrected an error in the purpose section of the Form 19b–4 filing.

[4] *See* Securities Act Release No. 7912 (October 27, 2000), 65 FR 65736 (November 2, 2000) (''Householding Release'').

[5] *Id.*

[6] 17 CFR 240.14b–1.

to mail to all beneficial holders the issuer's annual report and the issuer's proxy statement prior to a stockholders' meeting. Currently, Exchange rules permit member organizations to mail one copy of such material to multiple beneficial owners that have the same address so long as each beneficial owner consents thereto in writing. The practice of sending only one set of materials to multiple beneficial holders with a single address is known as ''householding.''

The Commission recently adopted amendments to its rules to permit companies and intermediaries to satisfy their delivery requirements for proxy statements, information statements and annual reports with respect to two or more beneficial owners sharing the same address by delivering a single copy of the documents to those beneficial owners so long as certain conditions are met including consent.[7] Accordingly, the Exchange proposes to amend its own rules to conform to the recently amended Commission rules. Therefore, Supplementary Material to NYSE Rules 451 and 465 is proposed to be amended to specify that member organizations may household proxy statements, annual reports, interim reports and other material provided they do so in compliance with the applicable Commission rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5)[8] the Act, which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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 NYSE. All submissions should refer to File No. SR–NYSE–01–03 and should be submitted by March 26, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange,[9] and in particular the requirements of section 6(b)(5) of the Act.[10] Specifically, the Commission finds that the Exchange's proposal to permit householding of annual reports, proxy statements, interim reports and other materials consistent with Commission rules promotes just and equitable of trade by eliminating conflicting regulatory obligations for NYSE members. The Commission notes that while the current NYSE rule permits householding, the NYSE requires its members to get consent in writing from beneficial owners. The Commission's recent amendments to Rule 14b–1[11] under the Act permits householding on an implied consent basis if certain conditions are met. Thus, as a result of this proposal, NYSE rules will conform to the Commission's requirements and NYSE members will be able to receive the benefits provided by householding to an even greater extent by utilizing implied consent. These benefits include reducing the amount of duplicative information that beneficial owners receive and lowering the printing and mailing costs for companies.

The Commission finds good cause to approve the proposal prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register.** By accelerating effectiveness of the Exchange's rule proposal, NYSE members will be able to utilize the new householding rule for the current proxy season. In addition, the Commission notes that it recently solicited comment from interested persons on its rule amendments[12] and considered the comments received when adopting the final rules.[13] Accordingly, the Commission believes that good cause exists, consistent with sections 6(b)(5)[14] and 19(b)(2)[15] of the Act to approve the proposed rule change on an accelerated basis.

V. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[16] that the amended proposed rule change (SR–NYSE–01–03) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5247 Filed 3–2–01; 8:45 am]

BILLING CODE 8010–01–M

[7] *See* note 4 *supra.*

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] 17 CFR 240.14b–1.

[12] *See* Securities Act Release No. 7767 (November 4, 1999), 64 FR 62548 (November 16, 1999) (proposing release).

[13] *See* Householding Release.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(2).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and

recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 4, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Financial Institution Confirmation Form.

No: 860.

Frequency: On Occasion.

Description of Respondents: SBIC Investment Companies.

Annual Responses: 1,500.

Annual Burden: 750.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–5289 Filed 3–2–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 4, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Request for Information Concerning Portfolio Financing.

No: 857.

Frequency: On Occasion.

Description of Respondents: SBIC Investment Companies.

Annual Responses: 2,160.

Annual Burden: 2,160.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–5290 Filed 3–2–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28895]

Airport Privatization Pilot Program

AGENCY: Federal Aviation Administration (FAA), (DOT.

ACTION: Notice of Receipt of Final Application of Niagara Falls International Airport, Niagara Falls, New York; Request for Comments.

SUMMARY: The Federal Aviation Administration (FAA) is seeking information and comments from interested parties on the final application by the Niagara Frontier Transportation Authority (NFTA) for participation of Niagara Falls International Airport (IAG) in the airport privatization pilot program. The final application is accepted for review.

Title 49 U.S.C. Section 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice of receipt of the final application in the **Federal Register** and accept public comment on the final application for a period of 60 days.

DATES: Comments must be received by May 4, 2001. Comments that are received after the date will be considered only to the extend possible.

ADDRESSES: The IAG final application is available for public review in the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28895, 800 Independence Avenue, SW., Washington, DC 20591. NFTA, the airport sponsor, has also made a copy of the application available at the following locations:

Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, New York 14202, (716) 858–8900

Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York, 14203 Attn: Ruth Keating, (716) 855–7398

Earl W. Brydges Public Library, 1425 Main Street, Niagara Falls, New York 14305, (716) 286–4881

Niagara Falls International Airport, Niagara Falls Boulevard, Niagara Falls, New York 14304, (716) 297–4494

Comments on the IAG final application must be delivered or mailed, in quadruplicate, to: the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. #28895, 800 Independence Avenue, SW., Washingotn, DC 20591. All comments must be marked ''Docket No. 28895''. Commenters wishing the FAA to acknowledge receipt of their comments must include a preaddressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 28895.'' The postcard will be date stamped and mailed to the commenter. Comments on this Notice may be delivered or examined in room 915G on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Compliance Specialist (AAS–400), (202–267–8741) Airport Compliance Division, Office of Airport Safety and Standards, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 29591.

SUPPLEMENTARY INFORMATION: Section 149 of the Federal Aviation Administration Authorization Act of 1996, Pub. L. No. 104–264 (October 9, 1996) (1996 Reauthorization Act), added a new 47134 to Title 49 of the U.S. Code. Section 47134 authorizes the

Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes (upon approval of 65 percent of the air carriers serving the airport and having 65 percent of the landed weight), to pay back a portion of Federal grants Government upon transfer of the airport. Since, Niagara Falls International Airport is a general aviation airport without air carrier service; the 65 percent approval of air carriers is not required. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the FAA issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). The notice of procedures and public comments received are available for review in FAA Rules Docket No. 28895.

On June 5, 2000, NFTA filed a final application and selected Cintra Niagara Falls Airport Corporation, USA, as the airport's private operator. Cintra Niagara proposes to lease the airport under a 99-year lease agreement. It plans to market the airport to develop new services such as low cost domestic passenger flights to business and leisure centers, international charter and cargo services. Cintra Niagara will commit $10.1 million in the initial 13 years for the purposes of operating, managing and developing the airport. $1.125 million will be used for operating, marketing and capital improvements costs. The remaining $8.975 million will be used for marketing expenses and to fund the initial five year capital planning period.

Cintra Niagara will receive an operating subsidy of $2.475 million from the NFTA for the first three years ($900,000, year 1; $900,000, year 2; $675,000, year 3). The operating subsidy will end after year 3. Cintra Niagara will pay a rental to the NFTA equivalent to $2.00 per passenger for each eligible passenger in excess of 450,000 total annual passengers at the Airport. Cintra Niagara forecasts that rental payments will begin in calendar year 2007.

On August 11, 2000, in an effort to clarify certain parts of the application, FAA staff requested responses to 21 questions from the NFTA and Cintra Niagara, the private operator. Copies of the 21 questions, the answers submitted by the NFTA, and the draft lease are available for public view and comment included as an attachment to the sponsor's application for public review.

The FAA has determined that the application is substantially complete. As part of its review of the IAG final application, the FAA will consider all comments and information submitted by interested parties during the 60-day comment period for this notice.

Issued in Washington, DC on February 21, 2001.

David L. Bennett,

Director, Airport Safety and Standards.

[FR Doc. 01–5268 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice Before Waiver With Respect to Land at Tri-State Airport, Huntington, West Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The FAA is publishing notice of proposed release of 0.459 acres of land at the Tri-State Airport, Huntington, West Virginia to the City of Kenova for the installation of a water storage tank. There are no impacts to the Airport and the land is not needed for airport development as shown on the Airport Layout Plan. Fair Market Value of the land will be paid to the Airport sponsor, and used for Airport purposes.

DATES: Comments must be received on or before April 4, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Larry F. Clark, Manager, FAA Beckley Airports Field Office, 176 Airport Circle, Room 101, Beaver, WV 25813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Larry G. Salyers, Airport Director, Tri-State Airport at the following address: Larry G. Salyers, Airport Director, Tri-State Airport, 1449 Airport Road, Huntington, WV 25704.

FOR FURTHER INFORMATION CONTACT: Larry F. Clark, Manager Beckley Airports Field Office, (304) 252–6216, fax (304) 253–8028.

SUPPLEMENTARY INFORMATION: On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61) (AIR 21) requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

Issued in Beckley, West Virginia on February 2, 2001.

Larry F. Clark,

Manager, Beckley Airports Field Office, Eastern Region.

[FR Doc. 01–5269 Filed 3–2–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34008]

Dickinson Osceola Railroad Association—Acquisition and Operation Exemption—Union Pacific Railroad Company

Dickinson Osceola Railroad Association (DORA), a non-profit entity, newly created to become a Class III railroad, has filed a notice of exemption under 49 CFR 1150.31 to acquire (by purchase) and operate approximately 37.21 miles of rail line currently owned by Union Pacific Railroad Company (UP). The line to be acquired and operated, UP's Estherville Branch, extends between approximately milepost 79.34, at a point west of Superior, IA, and the end of the line at approximately milepost 116.55, a point west of Allendorf, IA, in Dickinson and Osceola Counties, IA. DORA certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and its revenues are not projected to exceed $5 million.[1]

The transaction was scheduled to be consummated on or shortly after February 16, 2001.

If the notice 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34008, must be filed with

[1] DORA states that it will interchange traffic with UP. DORA further states that it will provide common carrier rail freight service over the line for its own account or through a contract operator, which will obtain its own operating authority from the Board.

the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, NW., Washington, DC 20036 [Attorney for DORA], and Mac Shumate, Esq., Law Department, Union Pacific Railroad Company, 101 N. Wacker Drive, Suite 1920, Chicago, IL 60606 [Attorney for UP].

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 23, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–5128 Filed 3–2–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On May 31, 2000, the OCC, the Board, and the FDIC (the agencies) requested public comment for 60 days on proposed revisions to the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments the agencies received, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, adopted several modifications to the revised reporting requirements initially proposed. However, the proposed reporting of subprime lending data remains under study and the collection of these data will not be implemented as of March 31, 2001, as proposed.

DATES: Comments must be submitted on or before April 4, 2001.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Public Information Room, Mail Stop 1–5, Attention: 1557–0081, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to regs.comments@occ.treas.gov. Comments will be available for inspection and photocopying at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC 20219. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to regs.comments@federalreserve.gov, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number: (202) 898–3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sample copies of the two versions of the Call Report forms (designated forms FFIEC 031 and FFIEC 041) that will replace the current four versions of the Call Report (forms FFIEC 031, 032, 033, and 034) effective March 31, 2001, can be obtained at the FFIEC's web site (www.ffiec.gov) and at the FDIC's web site.[1] Sample copies of these revised Call Report forms also may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collections of information:

Report Title: Consolidated Reports of Condition and Income.

Form Number: Current form numbers: FFIEC 031, 032, 033, and 034. Revised form numbers: FFIEC 031 and 041.[2]

[1] On the FDIC's web site, a sample copy of the FFIEC 031 report form for March 31, 2001, can be accessed at http://www.fdic.gov/news/news/financial2001/fi10105d.pdf. A sample copy of the FFIEC 041 report form for March 31, 2001, can be accessed at http://www.fdic.gov/new/news/financial/2001/fi10105e.pdf.

[2] The FFIEC 031 report form will continue to be filed by banks with domestic and foreign offices. At present, the FFIEC 032 report form is filed by banks with domestic offices only and $300 million or more in total assets, the FFIEC 033 report form is filed by banks with domestic offices only and $100 million or more but less than $300 million in total assets, and the FFIEC 034 report form is filed by banks with domestic offices only and less than $100

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

For OCC:

OMB Number: 1557–0081.

Estimated Number of Respondents: 2,300 national banks.

Estimated Time per Response: 41.11 burden hours.

Estimated Total Annual Burden: 378,194 burden hours.

For Board:

OMB Number: 7100–0036.

Estimated Number of Respondents: 1,001 state member banks.

Estimated Time per Response: 47.15 burden hours.

Estimated Total Annual Burden: 188,789 burden hours.

For FDIC:

OMB Number: 3064–0052.

Estimated Number of Respondents: 5,640 insured state nonmember banks.

Estimated Time per Response: 31.76 burden hours.

Estimated Total Annual Burden: 716,612 burden hours.

The estimated time per response is an average which varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices). The time per response for a bank is estimated to range from 14 to 500 hours, depending on individual circumstances. Moreover, because the revisions to the Call Report will be phased in over several quarters rather than all at once, the time per response represents an estimate of the reporting burden when the phase-in has been completed on March 31, 2002.

In addition, the effect on the time per response of the changes to the Call Report that are the subject of this submission for OMB review will vary from bank to bank. Except for the one-time additional burden associated with their initial adjustment to the revisions to the reporting requirements, many smaller banks should experience an overall decrease in time per response, after considering eliminations of items and reductions in detail, because they are not involved in the activities for which most of the new information will be collected. In contrast, the time per response for many large banks is expected to increase, even after considering eliminations of items and reductions in detail, because the proposed new information will be applicable to them and because the reporting of trust activities will be moved into the Call Report from two separate trust activities reports.[3]

General Description of Report

This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks). Except for selected items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract

Banks file Call Reports with the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of reporting banks and the industry as a whole. In addition, Call Reports provide the most current statistical data available for evaluating bank corporate applications such as mergers, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. Call Reports are also used to calculate all banks' deposit insurance and Financing Corporation assessments and national banks' semiannual assessment fees.

Current Actions

The agencies requested comment on proposed revisions to the Call Report that are intended to make the content of the report more relevant to the agencies. The more significant of the proposed revisions included:

- Streamlining the present reporting requirements through deletions of items and reductions in detail that would produce a decrease of approximately 10 percent in the overall number of individual data items currently contained on the four existing versions of the Call Report forms (excluding items reported for regulatory capital purposes), the collection of which is no longer warranted;
- Adopting a new regulatory capital reporting approach that uses step-by-step ''building blocks'' to compute the key elements of the capital ratios;
- Combining the three separate report forms for banks of different sizes that have only domestic offices into a single form while retaining the separate form for banks with foreign offices;
- Collecting new information on:
- Nontraditional and higher risk bank activities, i.e., subprime loans, securitizations and asset sale activities, additional categories of noninterest income, and restructured derivative contracts, and
- Federal Home Loan Bank advances and other borrowings;
- Replacing the two separate trust activities reports with a single, streamlined trust schedule in the Call Report;
- Eliminating the confidential treatment for loans, leases, and other assets that are past due 30 through 89 days; and
- Eliminating the additional 15-day period that banks with more than one foreign office are given for submitting their Call Reports.

These revised reporting requirements were also designed to complement the agencies' emphasis on risk-focused supervision. Furthermore, the revisions address certain aspects of sections 307(b) and (c) of the Riegle Community Development and Regulatory Improvement Act of 1994 (the Riegle Act). These sections direct the federal banking agencies to work jointly toward more uniform reporting, review the information that institutions currently report, and eliminate existing reporting requirements that are not warranted for safety and soundness or other public policy purposes.[4]

After considering the comments the agencies received, the FFIEC approved several modifications to the initial set of proposed revisions. However, the proposed reporting of subprime lending data remains under study and the collection of these data will not be implemented as of March 31, 2001, as proposed. The comments on the agencies' initial Call Report proposal and the changes made in response to the comments are discussed below.

Type of Review: Revisions of currently approved collections.

On May 31, 2000, the agencies jointly published a notice soliciting comments for 60 days on proposed revisions to their currently approved Call Report information collections (65 FR 34801). The notice described the specific changes that the agencies, with the approval of the FFIEC, were proposing to implement as of March 31, 2001.

In response to this notice, the agencies collectively received comments

million in total assets. The FFIEC 041 report form will replace the FFIEC 032, 033, and 034 report forms and will be filed by all banks with domestic offices only.

[3] The Annual Report of Trust Assets (FFIEC 001) and the Annual Report of International Fiduciary Activities (FFIEC 006): for the OCC, OMB Number 1557–0127; for the Board, OMB Number 7100–0031; and for the FDIC, OMB Number 3064–0024. The FDIC does not collect the FFIEC 006.

[4] Sections 1211(b) and (c) of the American Homeownership and Economic Opportunity Act of 2000, Pub. L. 106–569, which was signed into law on December 27, 2000, are identical to Sections 307(b) and (c) of the Riegle Act. As a consequence, the Call Report revisions that are the subject of this submission likewise address certain aspects of Sections 1211(b) and (c) of Pub. L. 106–569.

from 110 respondents: 86 banks and banking organizations, 15 state and national banking trade groups and other bankers' organizations, 4 community groups, 2 bank supervisory groups, a mortgage insurance trade group, a law firm, and a government-sponsored enterprise. Of these 110 respondents, 88 commented on the proposed reporting of subprime lending data and the majority of these commenters addressed only this aspect of the proposal. The agencies and the FFIEC have considered all of the comments received on the proposal.

Most of the commenters that discussed the streamlining of the information currently collected in the Call Report supported this portion of the proposed revisions. However, several small banks complained that the Call Report forms they would be receiving in 2001 would be increasing from 29 to 41 pages and some of these institutions recommended that the agencies continue to keep a separate form for small banks. Nevertheless, the agencies note that the single form for all banks with domestic offices only, which has been designated the FFIEC 041, contains reporting thresholds for certain schedules and portions of schedules that will exempt smaller institutions from having to complete these schedules or portions thereof. In addition, because of the specialized nature of the activities covered in the new schedule on securitizations and asset sales, this schedule will not be applicable to most banks. The Call Report's new schedule on trust activities, which replaces two separate trust activities reports, will only be applicable to about 2,300 institutions.

In addition, one national banking trade group, while urging the FFIEC and the agencies to move forward with the proposed deletions and reductions in detail in March 2001, stated that the proposed revisions did not achieve the goal of streamlining the Call Report burden as required by the Riegle Act. This trade group indicated that the agencies' review of information that banks report in the Call Report failed to meet the statute's mandate to ''eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.'' The FFIEC and the agencies have interpreted ''public purposes'' to mean public policy purposes. The FFIEC and the agencies therefore believe that the Riegle Act permits the agencies to retain (and impose) reporting requirements for purposes other than safety and soundness that assist the agencies in fulfilling their missions.

In contrast, the banking trade group stated that Congress intended ''that information required for another public purpose was intended to be narrowly construed'' because ''the conference report [on the Riegle Act] gives only one example of a 'public purpose,' '' i.e., information needed to determine an institution's deposit insurance premiums. The agencies believe that, by using the word ''purposes,'' which is plural, Congress clearly intended for the agencies to read the statutory language more broadly than the trade group suggested with respect to the purposes for which data collection is warranted.

In developing the streamlining portion of the proposed Call Report revisions, the agencies carefully reviewed the purposes for which each existing Call Report data item is used. This process involved requesting feedback from the staffs within the agencies on the specific uses of each Call Report item. The trade group's comment letter asked the agencies to ''release their compilation of 'the purposes for which and extent to which they use each data item.' '' In this regard, the results of the agencies' review of the uses of the Call Report items were not compiled as a single statistical report. Rather, each agency analyzed its use of each Call Report item in order to determine whether and, if so, how the item was essential to the agency's safety and soundness efforts or critical for other public policy purposes. Those items lacking sufficient practical utility were proposed for elimination or collection in a more appropriate aggregate form.

As a result, the agencies believe the principal reason for collecting virtually all of the items in the Call Report as it has been streamlined, aside from those items used for deposit insurance assessment calculations, directly relate to their safety and soundness objectives. The principal safety and soundness uses of Call Report data were identified as examination activities, including pre-examination planning and report preparation; analysis of industry performance and risk exposures; off-site surveillance and modeling, e.g., the Uniform Bank Performance Report, the FDIC's SCOR (Statistical CAMELS Off-site Rating), and the Board's SEER (System to Estimate Examination Ratings) models; the evaluation of bank applications; and assessing compliance with safety and soundness laws and regulations such as regulatory capital requirements. The agencies acknowledge that Call Report data are also used for public policy purposes besides deposit insurance assessments, such as assessing consumer compliance issues including the Community Reinvestment Act, constructing and benchmarking various financial aggregate measures, constructing sources and uses of funds for the banking sector in the flow of funds accounts and debt aggregates, and publishing banking statistics. However, the agencies believe that items collected solely for these other public policy purposes are a small percentage of the Call Report items when compared to those collected for safety and soundness purposes.

More specific information on the comments received is presented below.

Implementation Timetable for the Call Report Revisions—With respect to the proposed information that would be new to the Call Report, two trade groups whose members include large banks that would be subject to these new reporting requirements and four large banks addressed the proposed March 31, 2001, effective date for this new information. They stated that, considering the complexity of a number of the proposed Call Report changes and changes in generally accepted accounting principles taking effect at the beginning of 2001, they would not have time to put reporting systems in place by March 31. Some of these commenters suggested that the agencies should phase in the reporting of the new data (including trust data) quarter by quarter over the course of 2001 or delaying it until 2002. A few smaller banks also commented that there would be insufficient time to modify software and reporting systems by March 31 and to train personnel in the proposed new reporting requirements.

The FFIEC and the agencies have concluded that deferring the starting dates for reporting certain new information until the dates recommended by respondents would be a reasonable response to bankers' concerns about the need for lead time to make necessary systems changes and train staff. The remainder of the revisions to the Call Report that the FFIEC and the agencies have decided to proceed with will take effect in March 2001 as originally proposed, except as discussed in the following section.

In this regard, those respondents that suggested a specific implementation schedule recommended the introduction of the proposed securitization and asset sales activity schedule in June 2001, the subprime loan reporting requirements in September 2001, and the trust activity reporting in December 2001. As discussed further below, because the agencies are continuing to evaluate how to proceed with the proposed subprime

lending reporting requirements, the collection of subprime lending data will not be implemented as of March 31, 2001, as proposed.

Reporting Loan Information by Loan Category Outside the Loan Schedule—The Call Report currently uses two different definitional schemes for reporting information on loan income, loan averages, past due and nonaccrual loans, and charge-offs and recoveries by loan category. The definitional scheme applicable to a particular bank depends primarily on its size. Banks that file the FFIEC 033 and 034 report forms, i.e., banks with domestic offices only and less than $300 million in total assets, are permitted to report these four types of loan information using general loan categories. These banks define for themselves which of their loans to include in the general loan categories based upon their own individual loan systems. In contrast, banks that currently file the FFIEC 031 and 032 report forms, i.e., banks with foreign offices or with $300 million or more in total assets, must provide these four types of loan information using the standard loan category definitions from the Call Report's loan schedule (Schedule RC–C, part I).

To obtain more consistent loan information, the agencies proposed to adopt uniform loan categories and definitions based on the standard loan categories found in the loan schedule. These standard loan categories would be used by all banks for reporting loan income, loan averages, past due and nonaccrual loans, and loan charge-offs and recoveries by loan category. However, banks with less than $25 million in assets currently are not required to report a breakdown of their total loan income or their quarterly average of total loans by loan category. The agencies requested comment on the merits of eliminating this exemption.

In their comment letters, a few small banks indicated that it would be difficult to change from reporting certain loan information using self-defined general loan categories to reporting based on the standard loan category definitions. One bank trade group also observed that community banks would have to modify various general ledger accounts in order to implement this reporting change, which would be a significant burden for many of them. However, other small banks commented favorably on parts of the proposal without mentioning the change in the loan category definitions that they would have to use. The only bank with less than $25 million in assets that commented on the proposed changes to the existing reporting requirements urged the agencies to leave the Call Report unchanged in its entirety.

All banks regardless of size currently provide a breakdown of the loans in their loan portfolios as of the Call Report date each quarter using the standard loan categories. Therefore, the definitions for the standard loan categories should not be entirely foreign to banks with less than $300 million in assets. Nevertheless, considering the concerns expressed by commenters, the FFIEC and the agencies believe that a transition rule for banks with domestic offices only and less than $300 million in assets (as of June 30, 2000) would help to address their concerns about this reporting change. Therefore, these banks may use their best efforts through year-end 2001 to report information on loan income, loan averages, past due and nonaccrual loans, and charge-offs and recoveries by loan category based on the standard Call Report loan category definitions.[5] However, banks with less than $25 million in assets that do not currently report loan income and averages by loan category would retain this reporting exemption during 2001. This will provide the smallest banks with one year to plan for and make whatever changes may be needed in their records and reporting systems. The transition period will end in the first quarter of 2002, at which time all banks should be reporting loan information outside the loan schedule based on that schedule's standard loan category definitions.

Regulatory Capital Reporting—The agencies proposed to adopt a revised regulatory capital reporting approach and schedule that uses step-by-step building blocks to compute the key elements of the capital ratios for all banks. More commenters supported this revised approach than objected to it. However, one bank trade group pointed out that the schedule would be expanded for many banks that are not required to complete the existing schedule in its entirety if a capital ratio test is met. One respondent suggested that the changes to the schedule should be deferred until the new capital framework under development internationally by the Basel Committee on Banking Supervision takes effect. In this regard, the Basel Committee has proposed that implementation of its new framework begin in 2004. Moreover, a number of larger banking organizations have for some time been recommending that a more logical reporting format for regulatory capital information, such as the format used in bank holding company reports filed with the Board on form FR Y–9C, be incorporated into the Call Report. The regulatory capital schedule proposed by the agencies would accomplish this. After considering all the comments addressing the proposed new approach, the FFIEC and the agencies have concluded that they should proceed with the capital reporting revisions.

Nevertheless, one banking organization commented that the portion of the proposed regulatory capital schedule in which assets are allocated to appropriate risk weight categories was more detailed than necessary. The bank suggested that the agencies could reduce the number of separate asset categories in this part of the schedule without any real loss of information because of the typical risk weights to which these assets would be assigned. The agencies agreed with this suggestion and have simplified the schedule in the manner the bank recommended. Accordingly, the proposed separate lines for reporting interest- and noninterest-bearing balances due from depository institutions have been combined as have six separate lines for such ''other assets'' as bank premises, other real estate owned, and intangible assets.

Even with this reduction in the number of separate asset categories, the agencies recognize that the revised regulatory capital schedule may give some banks that were previously not required to complete existing Schedule RC–R in its entirety the impression that they are now required to go through an extensive exercise in risk-weighting their assets and off-balance sheet items. The agencies' proposal reminded banks that they are not required to identify each on-balance sheet asset and off-balance sheet item that qualifies for a risk weight of less than 100 percent. Rather, each bank can decide for itself how detailed an analysis of its assets and off-balance sheet items it wishes to perform and how many of the specific lower risk-weighted items it wishes to identify. In other words, a bank can choose from among its assets and off-balance sheet items that have a risk weight of less than 100 percent which ones to risk-weight at an appropriate lower risk weight, or it can simply risk-weight some or all of these items at a 100 percent risk weight. A statement along these lines has been placed at the beginning of the risk-weighting section of Schedule RC–R in the Call Report forms to ensure that banks are aware of

[5] For example, for each new loan, a bank could begin reporting loan information using the appropriate standard loan category in 2001. For existing loans, the banks could make reasonable estimates of the amounts that should be reallocated from the general loan categories to the various standard loan categories.

this. The FFIEC and the agencies also reiterated this position on risk-weighting in materials they issued to all banks on January 17, 2001, describing all of the revisions to the Call Report. For banks that were previously not required to complete existing Schedule RC–R in its entirety, these materials also describe a simplified risk-weighting process they could follow in the revised schedule that is similar to the one they have been using when they perform the capital ratio test in the existing schedule.

The proposal also noted that the agencies are reviewing and implementing applicable provisions of the Gramm-Leach-Bliley Act. One area where the agencies' review of the Act indicated the need to modify the Call Report involves regulatory capital requirements for banks with financial subsidiaries. In this regard, the agencies decided to add six new items to the regulatory capital schedule. These items cover the adjustments to regulatory capital that are necessary to calculate the capital ratios of banks with financial subsidiaries, i.e., adjustments to total risk-based capital, risk-weighted assets, and average total assets for the leverage ratio. Over the near term, these financial subsidiary items are likely to be applicable to only a small percentage of banks.

Finally, one bank observed that, in the version of Schedule RC–R that appeared in the proposed Call Report forms, the items for ''Net unrealized gains (losses) on available-for-sale debt securities'' and ''Net unrealized gains on available-for-sale equity securities'' in the leverage ratio section of the schedule appeared to be unnecessary because of the manner in which average total assets is calculated. The FFIEC and the agencies agree with this commenter and have deleted these two items.

New Data on Subprime Lending Activities—The agencies proposed to collect information on subprime lending to make possible the early detection and proper supervision of subprime lending programs through offsite monitoring procedures. Banks involved in subprime lending would report quarter-end data for eight categories of subprime loans as well as past due and nonaccrual subprime loans and the year-to-date charge-offs and recoveries on these loans for two broader categories of loans. The proposal acknowledged that the quality and validity of the proposed Call Report information on subprime lending would depend on the agencies' ability to develop a workable definition of subprime lending. The agencies also indicated that subprime loans could be defined on the basis of either (a) loan portfolios or programs that possess certain characteristics or (b) individual loans with these characteristics. The proposal included numerous questions pertaining to the definition and specifically requested comment on this issue. The proposed definition was based on the definition in the agencies' March 1999 guidelines for subprime lending and, in part, characterized these loans as ''extensions of credit to borrowers who, at the time of the loan's origination, exhibit characteristics indicating a significantly higher risk of default than traditional bank lending customers.''

Virtually every commenter that addressed the proposed collection of data on subprime lending had unfavorable comments on the agencies' proposed definition of this term. The commenters observed that, without a clearer definition of subprime lending, the proposed reporting requirement would result in inconsistent information across banks while imposing a significant burden on banks.

In light of the comments received on the proposed collection of subprime lending data, the agencies are continuing to evaluate how to proceed with this part of the proposal. In this regard, the banking agencies issued expanded examination guidance for subprime lending programs on January 31, 2001, which defines subprime lending. Thus, the agencies are considering whether this definition should form the basis for reporting requirements on banks' subprime lending activities. In the meantime, however, the FFIEC and the agencies are delaying the effective date for the reporting of subprime lending data in the Call Report until after March 31, 2001, the effective date that had been proposed. Banks will be notified when the FFIEC and the agencies complete their deliberations concerning the introduction of a subprime loan reporting requirement. At that time, in accordance with the Paperwork Reduction Act of 1995, the agencies will request comment on this reporting requirement, including the definition of subprime lending to be used for reporting purposes, when they submit this requirement to OMB for review and approval.

Bank Securitization and Asset Sale Activities—The agencies proposed to revise and expand the information collected in the Call Report on bank involvement in securitization and asset sale activities in order to facilitate more effective analysis of these activities on bank credit exposures. This revision would be accomplished by creating a new Schedule RC–S to comprehensively capture information related to bank securitizations and asset sales.

In their proposal, the agencies requested comment on the reporting of data on ownership (or seller's) interests in securitizations. As proposed, the agencies would collect data for seller's interests carried as securities, but they asked whether (and, if so, how) these data should cover seller's interests carried as loans. One commenter pointed out that, for seller's interests carried as loans, the delinquency and charge-off information is already included in the separate Call Report schedules for past due and nonaccrual loans and for loan charge-offs and recoveries. Thus, this bank observed that having banks combine this information in Schedule RC–S with the delinquency and charge-off information for loans underlying seller's interests carried as securities would create duplicate reporting in the Call Report. As a consequence, the FFIEC and the agencies decided to modify the Schedule RC–S proposal to add an item to this new schedule that asks banks to report seller's interests carried as loans, but without any additional disclosures about delinquencies and charge-offs.

One commenter recommended that the agencies compare the Call Report's new asset securitization disclosures in proposed Schedule RC–S to those that were to be promulgated by the Financial Accounting Standards Board (FASB) in its amendment to FASB Statement No. 125, Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities (FAS 125). This commenter and one other added that the agencies should make every effort to coordinate these Call Report disclosures with those in the FAS 125 amendment and with the agencies' revisions to the risk-based capital rules on recourse. The agencies note that, in designing Schedule RC–S, their intent was for the content of the schedule to be consistent with the direction they were taking in their proposed amendments to the risk-based capital treatment of recourse and securitizations.

The agencies reviewed the securitization disclosure provisions contained in the May 2000 preballot draft of the FASB Statement amending FAS 125 and the final Statement amending FAS 125 itself, which was issued in September 2000 and designated FASB Statement No. 140 (FAS 140). The disclosure requirements of FAS 140 covering securitizations (paragraphs 17(f) and (g)) require information to be presented for each major asset type and the standard cites mortgage loans, credit card receivables,

and automobile loans as examples of asset types. Similarly, new Schedule RC–S requires disclosures for seven major asset types including 1–4 family residential mortgages, credit card receivables, and auto loans.

When an institution has securitized financial assets during any period presented in its financial statements and it accounts for the transfer as a sale, paragraph 17(f) of FAS 140 requires the institution to describe its ''continuing involvement with transferred assets, including, but not limited to, servicing, recourse, and restrictions on retained interests.'' As proposed, Schedule RC–S required the reporting of information on securitizations when the continuing involvement was in the form of recourse or other seller-provided credit enhancements, including retained interest-only strips. The agencies' proposal, however, did not include securitizations where the continuing involvement is limited to servicing. For this reason, the agencies requested comment on the manner in which banks' internal management reports capture information on asset securitization activities, *i.e.,* are these reports prepared based on whether the bank provides credit enhancements (which was how the proposed Schedule RC–S was structured) or on whether the bank services the securitized assets. One bank commented that its internal reporting for the residential mortgage loans it sells is based on the retention of servicing rather than retention of recourse or other credit enhancements. After considering this aspect of FAS 140 and the one comment on this issue, the FFIEC and the agencies agreed to revise the securitization disclosures in Schedule RC–S so that they would cover transactions in which servicing is retained as well as those in which the bank retains recourse or provides other credit enhancements for the assets it securitizes.

The disclosure requirements of paragraph 17(g) of FAS 140 also direct an institution that has retained interests in securitized financial assets as of the financial statement date to separately disclose for each major asset type the total principal amount outstanding, including the portion no longer carried on the balance sheet and the portion that continues to be carried on the balance sheet, delinquencies, and credit losses (net of recoveries) during the period. Schedule RC–S also collects data by major asset type on the principal amount outstanding for the portion of securitized assets no longer carried on the balance sheet and on the carrying amount, rather than the principal amount, of seller's interests that continue to be carried on the balance sheet. For the off-balance sheet portion of these securitizations and for the on-balance sheet portion carried as securities, Schedule RC–S requires disclosure of delinquencies and of charge-offs and recoveries during the year-to-date period. For Schedule RC–S, as discussed above, a bank must report this information when it retains interests that act as credit enhancements, when it otherwise provides recourse, and when it retains servicing. In contrast, this FAS 140 disclosure requirement does not apply when an institution has provided recourse or has retained servicing, but has no retained interest. The agencies acknowledge that this represents a difference between Schedule RC–S and FAS 140. Nevertheless, when a bank is the servicer of loans and leases it has sold and securitized, but has no other continuing involvement, the bank should have information on the outstanding principal balance of these assets as well as the delinquencies, charge-offs, and recoveries. As servicer, it would need to report this information to trustees, investors, and/or other providers of credit enhancements. If the bank does not service the loans and leases it has securitized, but provides recourse or other credit enhancements, sound risk management practices would dictate that the bank should regularly receive the same type of performance information so that it can evaluate its ongoing credit exposure.

One bank noted that reporting past due and charge-off data may be an issue when the securitization structure contains loans sold by multiple banks because the ongoing reporting of the loans in the structure is not concerned with who the original seller of the loans was. As Schedule RC–S is designed, a bank that has sold loans to another institution with recourse or other seller-provided credit enhancements (but was not the bank that securitized the loans) would not have to report delinquency and charge-off information for these loans. The FFIEC and the agencies have attempted to address this concern by providing appropriate guidance in the instructions for Schedule RC–S.

Another bank raised general concerns about the content of some of the proposed items in Schedule RC–S and indicated that the agencies' instructions for the schedule should be clear and concise. This bank recommended that the FFIEC and the agencies circulate these instructions to the banking industry prior to the implementation of the schedule. The FFIEC issued draft instructions for Schedule RC–S on January 17, 2001, mailing them to each bank and making them available on the Internet on the FFIEC's and the FDIC's Web sites. The FFIEC invited institutions to submit questions and comments on these instructions.

Under the existing Call Report requirements, banks report certain information related to securitizations, asset sales, and servicing in Schedules RC–L—Off-Balance Sheet Items—and RC–M—Memoranda. To avoid the loss of this information until the new Schedule RC–S is implemented on June 30, 2001, these existing items will be moved and reported in the Memoranda section of Schedule RC–S for the March 31, 2001, report date. These existing items cover: the outstanding principal balance and amount of recourse exposure on single family residential mortgage loans, small business obligations, and other financial assets that have been sold with recourse; the amount outstanding of consumer credit cards and related plans that have been securitized and sold with servicing retained; and residential mortgage loan and other loan servicing volume. To the extent that some of this information is currently collected only from banks that meet certain reporting thresholds, these thresholds would continue to apply for purposes of reporting this information as of the March 31, 2001, report date.

Additional Information on Components of Noninterest Income—The agencies proposed to collect a more detailed breakdown of noninterest income in the Call Report income statement (Schedule RI) in order to identify the principal types of revenue-generating services in which banks are involved and the amount of income earned from them. One commenter questioned how meaningful the proposed noninterest income category for ''loan and other credit-related fees'' would be and suggested that it be eliminated as a required income category. The agencies considered the merits of this suggestion in light of the accounting standards that govern the recognition of fees associated with lending and other extensions of credit and decided to eliminate this proposed item.

Trading Revenue from Cash Instruments—Banks with $100 million or more in assets currently report a four-way breakdown of their trading revenue by risk exposure (interest rate, foreign exchange, equity, and other including commodity). Under the proposal, banks with $5 billion or more in notional amount of derivatives held for trading were to begin to also report the amount of their trading revenue derived from cash instruments using the same four-way breakdown. Comments from large

banks opposed the collection of this additional information on trading revenue. These banks indicated that they often manage market risk or use trading strategies that involve managed positions in combinations of cash instruments and derivative contracts. Because the revenue resulting from these managed positions is generally not separated by instrument (cash versus derivative), significant information systems modifications would be needed to capture these data. Even if the data were available, these banks believe that evaluating cash instrument revenue figures in isolation would be misleading because their linkage to managed positions would not be seen. After considering these comments, the agencies decided against collecting the proposed cash instrument trading revenue information.

Federal Home Loan Bank Advances—To improve their monitoring and understanding of individual banks' funding sources, asset-liability management, and liquidity, the agencies proposed to have banks report Federal Home Loan Bank advances separately from their remaining ''Other borrowed money,'' including the existing three-way maturity breakdown on these borrowings. The only commenter addressing the segregation of advances from other borrowings, a national banking trade group, supported this proposed reporting change. The FFIEC and the agencies are implementing this revision as proposed.

One government-sponsored enterprise further recommended that a bank's ''Other borrowings'' be split so that secured and unsecured borrowings are reported separately. This commenter stated that, given the different treatment that secured and unsecured borrowings receive when an institution fails, this information would be of great value to regulators, analysts, and all of a bank's creditors. The agencies acknowledge that data on secured and unsecured borrowings would be of some value to them, and they may consider proposing such a reporting change in the future.

Restructured Derivative Contracts—The agencies proposed to require banks with foreign offices or with $300 million or more in assets to report the fair value of derivative contracts carried as assets that have been restructured or renegotiated for reasons related to the counterparty's financial difficulties. This information was intended to supplement data these banks currently report on past due derivative contracts. Comments from large banks questioned the need for this information because derivative contracts will be reported at fair value and this value will reflect any decline in the counterparty's credit risk. They noted that such contracts will typically be included in a bank's derivatives held for trading and these losses in value will be charged to earnings. Furthermore, these banks stated that it would be difficult for them to identify derivative contracts that were restructured in prior years for credit reasons. Based on these comments, the agencies concluded that the proposed new item for restructured derivatives should not be implemented.

Reporting of Trust Data—Currently, banks that exercise fiduciary powers and have fiduciary assets or accounts report information on their trust activities each December 31 in the Annual Report of Trust Assets (FFIEC 001). Institutions with trust operations in foreign offices also complete the Annual Report of International Fiduciary Activities (FFIEC 006).

The agencies proposed to change the manner in which banks report information on their trust activities by replacing these separate reports with a new Call Report schedule on fiduciary and related services. This new schedule significantly reduces the amount of detail reported in the current forms, but continues to collect information on the number of accounts and market value of trust assets for specified categories of fiduciary activities, fiduciary and related services income, corporate trust activities, collective investment funds and common trust funds, fiduciary settlements and other losses, and types of managed assets held in personal trust and agency accounts.

As originally proposed, institutions (including all nondeposit trust companies that file Call Reports) with total fiduciary assets greater than $100 million or with fiduciary income greater than 10 percent of their net interest income plus noninterest income would be required to report some of the trust information quarterly and the rest annually. Other institutions with trust activities would report only annually, but would not be required to report fiduciary income and loss information.

Four commenters questioned the need for quarterly reporting by larger trust institutions, indicating that the agencies should better justify this change in reporting frequency. The collection of quarterly data is limited to essential trust asset and income information. The agencies believe that this information is necessary to carry out their respective supervisory responsibilities, particularly because the income generated from fiduciary activities (before expenses) is a significant contributor to the earnings of large banks.[6] Specifically, quarterly data will allow the agencies to identify and monitor in a timely manner those institutions with significant exposure to fiduciary-related risks, accurately monitor and measure fiduciary asset and income profiles and trends both on an individual institution basis and on an industry basis, and respond to changing risk profiles by allocating examiner resources toward areas of increasing or significant risk.

Two banks with trust departments commented that the $100 million in fiduciary assets test is too low a threshold for imposing a quarterly trust reporting requirement given the limited amount of revenue and risk arising from that level of trust department business. The FFIEC and the agencies reviewed the proposed fiduciary asset size threshold for quarterly reporting and decided to increase this threshold to $250 million in fiduciary assets. Thus, under the phased-in implementation schedule discussed above, annual reporting of trust data by all trust institutions will take effect December 31, 2001, and quarterly reporting of trust data by institutions meeting the fiduciary assets or income test will begin in March 2002. Institutions subject to the quarterly reporting requirement hold more than 90 percent of total fiduciary assets.

In their comments opposing the introduction of quarterly reporting for larger trust operations, a number of banks stated that they have not developed automated systems for capturing certain trust data. Because of the significant amount of manual data gathering and compilation that would be entailed, these banks regard quarterly reporting of a trust income statement as imposing a significant additional burden. The expense information in the trust income statement was specifically cited as one area where data are developed manually.

The agencies' primary supervisory interest in the quarterly trust income information is in institutions' fee income rather than net trust income. Consequently, the FFIEC and the agencies concluded that only fee income data should be reported in March, June, and September by institutions subject to quarterly reporting. Thus, institutions with larger trust operations will continue to report fiduciary expenses, losses, and intracompany income credits only annually as of December 31, consistent with current reporting

[6] For commercial banks with $1 billion or more in total assets, income from fiduciary activities has approximated 30 percent of these banks' aggregate net income each year since 1993.

requirements. Trust institutions with more than $100 million but less than $250 million in fiduciary assets that do not meet the fiduciary income threshold will complete the trust income statement in the Call Report once each year as of December 31, which is also consistent with their current reporting requirements.

After comparing the information proposed to be reported on corporate trust and agency accounts in Schedule RC–T, Memorandum item 2, with the existing reporting requirements, the agencies are reducing the amount of data they will collect on this trust activity. Institutions with fiduciary activities will report the number of issues and principal amount outstanding for ''Corporate and municipal trusteeships'' in Memorandum item 2.a and only the number of issues for ''Transfer agent, registrar, paying agent, and other corporate agency'' in Memorandum item 2.b. The agencies are also correcting two lines in the fiduciary assets section of the schedule. For corporate trust and agency accounts (Schedule RC–T, item 6), the proposed forms that the agencies distributed to banks erroneously indicated that the two items for the number of accounts were not to be reported. However, institutions should report the number of managed and non-managed accounts (columns C and D). For investment management agency accounts (Schedule RC–T, item 7), institutions should report the market value of managed assets and the number of managed accounts (columns A and C) whereas the proposed forms incorrectly showed that the market value of non-managed assets and the number of non-managed accounts (columns B and D) were also to be reported.

Eliminating Confidential Treatment for Certain Past Due and Nonaccrual Data—The information that banks report in the Call Report on the amount of their loans, leases, and other assets that are past due 30 through 89 days and still accruing (and on the amount of restructured loans and leases that are past due 90 days or more and still accruing or in nonaccrual status) has been accorded confidential treatment on an individual bank basis since its collection began 18 years ago. In contrast, Call Report data on assets that are 90 days or more past due and still accruing or that are in nonaccrual status have been publicly available, after an initial transition period, for the past 17 years. The agencies proposed to eliminate the confidential treatment for the 30–89 days past due (and restructured) items beginning with the amounts banks would report as of March 31, 2001.

The five banks and bank trade groups that commented on this issue opposed the public disclosure of the currently confidential information on past due (and restructured) assets. The two bank supervisory groups that commented on this proposal supported the elimination of confidential treatment.

In their comments objecting to the proposal, bankers stated that 30–89 day delinquencies, particularly those that are 30–59 days past due, are not highly correlated with actual losses and a material percentage of these accounts return to current status. One large bank observed that the amount of its 30–89 day past due loans is subject to periodic volatility due to seasonal factors that vary with the type of loan. These bankers therefore believe that the value of this delinquency information as a performance indicator is not reliable and can be misleading. As a result, by releasing information that is highly susceptible to misinterpretation, the agencies will reduce rather than enhance market discipline.

One trade group also indicated that the disclosure of this past due information would put U.S. banks at a competitive disadvantage with domestic nonbank financial institutions and foreign banks that are not subject to a comparable disclosure requirement. This group also suggested that this disclosure may exaggerate the public's perception of a bank's credit risk and could cause an unjustifiable loss of funding. The group recommended that the agencies should await the American Institute of Certified Public Accountants' decisions on additional public disclosures about the loan loss allowance and loan quality as part of its project to provide additional accounting and disclosure guidance about the allowance.

Two smaller banks stated that many of the delinquencies in the 30–89 day range are due to technicalities and do not represent additional credit risk. As an example, they cited matured loans where the borrower is still making the normal monthly payment, but the renewal process has not yet been completed because the borrower has not provided all the necessary information for the bank to approve the renewal. It was suggested that public disclosure would cause banks to imprudently renew loans to avoid having to report them as past due, which would be an unsafe and unsound practice. However, if a bank follows sound loan administration procedures, the process for determining whether to renew a loan should be initiated prior to maturity for those loans whose repayment schedule indicates that a renewal request is expected to be made. As a result, the delinquency situations these banks described should occur infrequently.

The FFIEC and the agencies have considered the comments received on this issue and have decided to proceed with the elimination of the confidential treatment now accorded the 30–89 day past due (and restructured) assets effective March 31, 2001. However, for periods prior to March 31, 2001, data on loans, leases, and other assets past due 30 through 89 days and still accruing (and on restructured loans and leases that are 90 days or more past due and still accruing or that are in nonaccrual status) will not be publicly disclosed on an individual bank basis.

The agencies have consistently found 30–89 day past due information helpful in identifying potential problem banks when used in conjunction with other key measures of financial performance and condition. Further, they use the 30–89 day past due information in econometric surveillance models that flag weak and potentially weak banks for review between on-site examinations.[7] These models have consistently shown data on 30–89 day past due loans to be among the items that are statistically significant in contributing to bank deterioration and supervisory rating (CAMELS) downgrades. Therefore, the FFIEC and the agencies believe that the 30–89 day delinquency information complements data currently available publicly and is useful in the assessment of general asset quality.

Moreover, when presented in the Uniform Bank Performance Report, a publicly available analytical tool created for bank supervisory, examination, and bank management purposes, ratios of 30–89 day past due loans to total loans will be supplemented with the peer average ratio for banks of similar size. This will assist the public in evaluating the significance of a bank's level of 30–89 day past due loans. In addition, banks have the option to include in their Call Report a brief narrative statement that provides explanatory comments about any data disclosure which they feel may be subject to

[7] The FDIC uses the delinquency date in SCOR (Statistical CAMELS Off-site Rating), a model designed to identify banks with a relatively high likelihood of receiving a downgrade to a less than satisfactory CAMELS rating. The Board uses the 30–89 day past due loan data in its two SEER (System to Estimate Examination Ratings) models. The SEER ratings model estimates a bank's current CAMELS using its current Call Report data. The SEER risk rank model estimates the probability that a bank will fail or become critically undercapitalized within the next two years.

misinterpretation, the text of which is available to the public.

The agencies consider market discipline an important public policy issue as it is used to complement supervisory resources. Market discipline relies on market participants having information about the risks and financial condition of banking organizations. The agencies believe that disclosure that increases transparency of asset quality information should lead to more accurate market assessments of risk and value that, in turn, should result in more effective market discipline on banking organizations.

Call Report Submission Period for Banks with Foreign Offices—Banks that have (or have previously had) more than one foreign office are given 45 days to submit their Call Reports rather than the 30 days which applies to all other banks. Because of technological advances that have improved the timeliness with which data from overseas locations can be gathered and to put all banks on an equal footing in terms of the amount of time available to complete their Call Reports, the agencies proposed to eliminate the additional 15 days that these banks with foreign offices receive for filing their reports.

Banks with foreign offices strongly objected to this proposed change. While some acknowledged that the additional 15 days is not needed from a data collection perspective, they argued that this extra time is needed because banks with foreign offices must report a larger amount of data in their Call Reports than other banks are required to report. These banks also pointed out that they will be the ones who are most significantly affected by the new reporting requirements the agencies have proposed and by the incorporation of quarterly trust activity reporting into the Call Report. Thus, these banks believe that a 45-day reporting deadline is necessary to ensure that they report high quality data given the large number of departments and entities within their organizations that are involved in preparing the detailed data required in the Call Report. The 45-day filing period also enables these banks to reconcile their Call Report data to the comparable consolidated holding company data their organizations report to the Board in the FR Y–9C report and to the information in the holding company reports their organizations (if they are public companies) file with the Securities and Exchange Commission, which have 45-day or longer deadlines.

After considering these comments, the FFIEC and the agencies concluded that they should retain the existing 45-day Call Report submission period for banks with foreign offices.

Subchapter S Bank Dividends—A bank that has elected Subchapter S status is treated as a pass-through entity for federal income tax purposes and generally is not subject to any federal income taxes. Instead, the bank's shareholders pay federal income taxes on their proportionate share of the bank's taxable income.

The agencies requested comment on whether they should add an item to the Call Report in which Subchapter S banks would report the amount of dividends distributed to cover shareholders' personal tax liabilities. Adding such an item was considered as a way to improve the agencies' comparisons of the dividend rates and after-tax earnings of Subchapter S banks and banks that are subject to federal corporate income taxes, i.e., Subchapter C banks, in the Uniform Bank Performance Report (UBPR).

Two Subchapter S banks and one bank trade group commented on the proposed dividend item and each opposed adding it to the Call Report. These banks considered the item to be unnecessary and one indicated that it would be difficult for a bank to determine the amount to report in the item. The trade group stated that the information would most likely be unavailable and, if available, inappropriate to report. Based on these comments, the FFIEC and the agencies decided against adding an item to the Call Report for dividends distributed by Subchapter S banks to their shareholders to cover their personal tax liabilities.

Other Comments—The agencies proposed to modify the Call Report income statement (Schedule RI) to segregate the amortization expense of goodwill from the amortization expense of other intangible assets. Under this proposal, banks would report ''Goodwill charges,'' i.e., goodwill amortization expense net of applicable income taxes, after their ''Income (loss) before extraordinary items and other adjustments'' rather than as part of noninterest expense. The agencies proposed this change in response to the FASB's proposed accounting standard, Business Combinations and Intangible Assets, which would require this method of financial statement presentation for goodwill charges. Two commenters questioned whether this change in presentation should be implemented in the Call Report based on a FASB proposal.

Because the FASB has not yet adopted a final standard on accounting for business combinations and intangible assets, the agencies agree that it would be premature to implement the proposed method of presenting goodwill charges. Accordingly, goodwill amortization expense will be reported as part of ''Amortization expense of intangible assets'' in the noninterest expense section of the Call Report income statement. However, in their submissions to OMB, the agencies are requesting approval to revise the Call Report income statement in the first calendar quarter of the first calendar year after the effective date of the final FASB standard so it will conform automatically with the method of presentation ultimately prescribed by the FASB for goodwill amortization or impairment losses.

The agencies requested comment on the current thresholds for itemizing and describing in Schedule RI–E—Explanations—significant components of other noninterest income and expense. At present, the reporting threshold is 10 percent of the total amount reported for other noninterest income and expense, respectively, in the Call Report income statement. In particular, the agencies asked whether it would be more appropriate to base these disclosure thresholds on the sum of ''Net interest income'' plus ''Total noninterest income.'' Two banks recommended that the agencies adopt a disclosure threshold of 1 percent of total interest and noninterest income, which is consistent with the Securities and Exchange Commission's threshold for the disclosure by bank holding companies of components of other noninterest income and expense in Regulation S–X, Section 210.9–04 (17 CFR 210.9–04). The FFIEC and the agencies agreed with this recommendation and are revising this Schedule RI–E disclosure threshold accordingly.

Another bank suggested that the agencies should significantly expand the reporting of noninterest expenses in Schedule RI–E so that banks can benchmark expenses against their peers. This bank proposed several specific categories of noninterest expenses that all banks should report in Schedule RI–E. While the agencies believe that it would be nice to know the amount of noninterest expenses in these categories for all banks, requiring this information from all banks would trigger the reporting of amounts that would be immaterial for some banks. Therefore, instead of implementing this bank's suggestion, the agencies will proceed with their proposal to add preprinted captions to Schedule RI–E, item 2 (and item 1) for the most commonly itemized and described categories of other

noninterest expense (and other noninterest income). These disclosures would be made only if the dollar amount for a particular category of expense (or income) exceeded the revised disclosure threshold discussed above.

One state banking trade group recommended that the agencies combine two items in Schedule RC–A—Cash and Balances Due From Depository Institutions—so that the amount of a bank's ''Currency and coin'' is not separately reported. This trade group stated that having the amount of a bank's currency and coin available to the public on the Call Report could facilitate and encourage more people to commit robberies and burglaries at those institutions that disclose a large amount of cash on hand. While the current Call Report requirements call upon all banks to report the amount of currency and coin they have, this commenter may have overlooked the agencies' proposal to eliminate this reporting requirement for all banks with less than $300 million in total assets that do not have foreign offices. Thus, only the largest banks must continue to disclose the amount of their ''Currency and coin'' in the Call Report, which essentially achieves this trade group's objective.

One bank trade group stated that differences in the information required for Call Reports versus the information required by the Board in the quarterly holding company reports on form FR Y–9C is a source of frustration for bankers. The trade group suggested that differences in these reports should be minimized. As the agencies noted in their proposal, some of their proposed revisions were designed to reduce these differences. Furthermore, in its notice requesting comment on revisions to the FR Y–9C for 2001, which was published on November 17, 2000 (65 FR 69525), the Board proposed several reporting changes that will introduce more uniformity to certain aspects of regulatory reporting. These reporting changes include bringing a number of items on the FR Y–9C, as well as the overall reporting format of the FR Y–9C, into closer alignment with the Call Report.

Request for Comment

Comments are invited on:

(a) Whether the proposed revisions to the Call Report collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, 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) Ways to minimize the burden of information collections 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.

Comments submitted in response to this Notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection request.

Dated: February 26, 2001.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 26, 2001.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC., this 27th day of February, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5242 Filed 3–2–01; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–24–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning an existing final regulation, INTL–24–94 (TD 8671), Taxpayer Identifying Numbers (TINs) (§ 301.6109–1).

DATES: Written comments should be received on or before May 4, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Taxpayer Identifying Numbers (TINs).

OMB Number: 1545–1461.

Regulation Project Number: INTL–24–94.

Abstract: This regulation relates to requirements for furnishing a taxpayer identifying number on returns, statements, or other documents. Procedures are provided for requesting a taxpayer identifying number for certain alien individuals for whom a social security number is not available. The regulation also requires foreign persons to furnish a taxpayer identifying number on their tax returns.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

The burden for the collection of information is reflected in the burden for Form W–7, Application for IRS Individual Tax Identification Number (For Non-U.S. Citizens or Nationals).

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: February 27, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–5285 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Midwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: A meeting of the Midwest Citizen Advocacy Panel will be held in Milwaukee, Wisconsin.

DATES: The meeting will be held Thursday, March 22, 2001, and Friday, March 23, 2001.

FOR FURTHER INFORMATION CONTACT: Sandra McQuin at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel (CAP) will be held Thursday, March 22, 2001, from 9:00 a.m. to 4:00 p.m. and Friday, March 23, 2001, from 8:00 a.m. to Noon at the Reuss Federal Building, Meeting Room 290B, 310 West Wisconsin Avenue, Milwaukee, WI. The Citizen Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. Public comments will be welcome during the meeting, or you can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Citizen Advocacy Panel, Mail Stop 1006 MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221.

The Agenda will include the following: Reports by the CAP sub-groups, presentation of taxpayer issues by individual members, discussion of issues, and an update on the recruitment for new panel members.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 26, 2001.

M. Cathy VanHorn,

Director, Citizen Advocacy Panel (CAP) Communication and Liaison.

[FR Doc. 01–5286 Filed 3–2–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education, Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Education, authorized by 38 U.S.C. 3692, will be held on March 12 and March 13, 2001. The meeting will take place at the Department of Veterans Affairs, Room 542, 1800 G Street, NW., Washington, DC. The meeting will begin at 8:30 a.m. and end at 4:00 p.m. on Monday, March 12. On Tuesday, March 13, the meeting will begin at 8:30 a.m. and end at 12:00 p.m. The purpose of the Committee is to assist in the evaluation of existing programs and services, and recommend needed programs and services. The focus of this meeting will be ''Partnership for Veterans' Education''. The Committee will also review recently proposed legislation increasing GI Bill benefits for the 21st century and submit their recommendations for necessary improvements to the GI Bill to the Secretary.

The meeting will be open to the public. Those wishing to attend should contact Mr. Bill Susling, Education Policy and Program Administration, (phone 202–273–7187) prior to the meeting.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 9:00 a.m. Tuesday, March 13, 2001.

Dated: February 23, 2001.

By direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–5188 Filed 3–2–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Wednesday and Thursday, March 21–22, 2001, in room 930 of VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation. The major items on the agenda for both days will be discussions and analyses of medical and scientific papers concerning the health effects of exposure to ionizing radiation. On the basis of their analyses and discussions, the Committee may make recommendations to the Secretary concerning diseases that are the result of exposure to ionizing radiation. The agenda for the second day will include planning future Committee activities and assignment of tasks among the members.

The meeting is open to the public on both days. Those who wish to attend should contact Ersie Farber-Collins of the Department of Veterans Affairs, Compensation and Pension Service, 810 Vermont Avenue, NW., Washington, DC 20420, prior to March 16, 2001. Ms. Farber-Collins may also be reached at 202–273–7268.

Members of the public may submit written questions or prepared statements for review by the Advisory Committee in advance of the meeting. Submitted material must be received at least five (5) days prior to the meeting and should be sent to Ms. Farber-Collins' attention at the address given above. Those who submit material may be asked to clarify it prior to its consideration by the Advisory Committee.

Dated: February 23, 2001.

By direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–5187 Filed 3–2–01; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 66, No. 43
Monday, March 5, 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 HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co–Exclusive License: Homogeneous Tests for Sequentially Determining Lipoprotein Fractions

Correction

In notice document 01–4618 beginning on page 11595 in the issue of Monday, February 26, 2001, make the following corrections:

1. On page 11595, in the third column, under the heading **SUMMARY**, in the seventh line, after ''co–exclusive'' add ''license''.

2. On page 11595, in the third column, under the heading **SUMMARY**, in the ninth line ''(60/136,709'' should read ''60/136,709''.

[FR Doc. C1–4618 Filed 3–2–01; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Monday,
March 5, 2001

Part II

Department of Education

Electronic Grant Initiatives; Notice

DEPARTMENT OF EDUCATION

Electronic Grant Initiatives

AGENCY: Office of the Chief Financial Officer, Department of Education.

ACTION: Notice announcing the development and implementation of a system to administer grants via the Internet.

SUMMARY: The Chief Financial Officer announces the U.S. Department of Education Electronic Grant Initiatives (e-Grants) and requests comments on the effectiveness of this system. We intend to use your comments to assist us in improving our services and helping potential applicants and grantees to benefit from electronic commerce (e-commerce).

ADDRESSES: Address all comments and suggestions regarding e-Grants to Rebecca Harding-Spitzgo, U.S. Department of Education, 400 Maryland Avenue, SW., room 4E310, Washington, DC 20202–4300. If you prefer to send your comments through the Internet, use the following address: edcapsuser@ed.gov.

FOR FURTHER INFORMATION CONTACT: Blanca Rosa Rodriguez, Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW., room 3652, ROB–3, Washington, DC 20202–4248. Telephone: (202) 260–0172; fax: (202) 205–0667; or via Internet: Blanca_Rodriguez@ed.gov or Rebecca Harding-Spitzgo, Project Manager (GAPS), U.S. Department of Education, 400 Maryland Avenue, SW., room 4E310, Washington, DC 20202–4300. Telephone: (202) 205–0707; fax: (202) 205–0729; or via Internet: Rebecca—Harding@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to either contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

New Initiatives in Electronic Grant-Making at the U.S. Department of Education

The Government Paperwork Elimination Act (GPEA) of 1998, (Pub. L. 105–277) and the Federal Financial Assistance Management Improvement Act of 1999, (Pub. L. 106–107) encourage us to undertake initiatives to improve our grant process. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. E-commerce—for example, conducting transactions via Internet—is playing a vital role in achieving our mission. This notice presents an overview of the Department's present and proposed activities.

We are taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our business processes.

We are also working with other Federal departments and agencies to develop the Federal Commons, which will be a shared location on the Internet for information about Federal financial assistance. The goal of this initiative is to create a single point of entry on the Internet to make it easier for prospective applicants to locate information about, and apply for, grants under all Federal programs. In the future, applicants who access the Federal Commons can search for available funding opportunities throughout the Federal Government, complete standard application forms, and submit grant applications online. You may obtain more information about the Federal Commons at: http://www.fedcommons.gov.

Accomplishments to Date

During fiscal year (FY) 2000, under our Grant Administration and Payment System (GAPS), we conducted a pilot project using an Internet-based software program for submitting applications. The project involved eight grant competitions. Applicants had the opportunity to submit their grant applications to us online through the e-Application Web site.

A survey after the pilot project indicated that participants were positive about their experiences using e-Application. In fact, 90 percent of the participating applicants found our system easy to use, and most said that they would use the system in future competitions. To help applicants get used to applying for grants electronically, we have established a demonstration and training area on the e-Grants Web site.

We have also developed e-Reports, a new electronic enhancement to GAPS. Using e-Reports grantees will be able to submit their annual grant performance reports to us via the Internet. The system will also notify each grantee of the deadline for its annual grant performance report. Additional features of the system will include applicant registration, e-mail confirmations, and printing capabilities.

In addition, we are developing e-Reader, another electronic enhancement to GAPS, to support the review of grant applications. With e-Reader, an ED discretionary grant program can use the Internet to transmit applications electronically to reviewers at various locations, enable reviewers to evaluate and score applications on a Web-based form; and collect the reviewers' scores and comments. One of the many benefits of e-Reader is that it will give program officials a cost-effective way to facilitate and monitor the application review process from their offices in the Washington, DC area.

ED's Plans for the Future

For FY 2001 we plan to—

- Provide applicants the option of submitting their applications electronically in up to 50 percent of our new grant competitions, including several formula programs;
- Increase the number of ED programs using e-Reports, allowing grantees in these programs to submit their annual grant performance reports electronically; and
- Complete the development of e-Reader and apply it in eight to ten grant competitions that use the electronic grant application review process.

Beyond FY 2001 we plan to expand and promote the use of electronic procedures for the submission and review of applications and the filing of reports under all of our grant programs. Our goal over time is to encourage applicants and grantees to make e-commerce their preferred method of doing business. We will do this by communication and outreach efforts to the public.

We plan to do the following to make applicants and grantees aware of our Electronic Grant Initiatives and familiar with our electronic business process:

- Continue to host public workshops on our electronic grant initiatives at various national conferences and meetings of project directors;
- Make the system more convenient for users by increasing the hours it is available;
- Provide ongoing support to applicants who need assistance using the system;
- Inform the public about changes and improvements to our Electronic Grant Initiatives; and
- Work toward further integration of our electronic applications system with the Governmentwide system known as the Federal Commons.

Information concerning the availability of e-Application will be

contained in specific program announcements and application packages, grant forecasts, and specific areas of our Web site. In addition, program offices will make grantees aware of electronic reporting options as they become available.

Please be aware that electronic application and reporting will be voluntary. Paper-based application and reporting options will still be available to applicants and grantees who do not have the capability to do business electronically. We will give every application, whether paper or electronic, the same consideration in the review process.

Invitation To Comment

We are determined to help make the transition to e-commerce as smooth as possible for our customers. As we develop e-commerce capabilities, we ask you for your support and welcome your suggestions regarding our plans for electronic grantmaking. We invite you, as potential applicants and grantees, to use the electronic methods described and to provide feedback about your experiences. We also invite you to comment now on the plans outlined in this notice. Please send your comments to the address in the **ADDRESSES** section of this notice.

To obtain additional information about e-GRANTS or to participate in e-GRANTS pilot projects, see the portal page at: http://e-grants.ed.gov.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Dated: February 27, 2001.

Mark Carney,

Deputy Chief Financial Officer.

[FR Doc. 01–5253 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Monday,
March 5, 2001

Part III

Department of Education

Intent To Repay to the State of Ohio Rehabilitation Services Commission Funds Recovered as a Result of an Investigation; Notice

DEPARTMENT OF EDUCATION

Intent to Repay to the State of Ohio Rehabilitation Services Commission Funds Recovered as a Result of an Investigation

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Under section 459 of the General Education Provisions Act (GEPA), 20 U.S.C. 1234h (1994), the U.S. Secretary of Education intends to repay to the State of Ohio Rehabilitation Services Commission (ORSC), under a grantback arrangement, an amount equal to 75 percent of the principal amount of funds recovered by the U.S. Department of Education (Department) as a result of an investigation. This notice describes the ORSC's plan for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. This notice invites comments on the proposed grantback.

DATES: We must receive your comments on or before April 4, 2001.

ADDRESSES: Address all comments about the proposed grantback to Syed M. Asghar, U.S. Department of Education, 400 Maryland Avenue, SW., room 3215, Switzer Building, Washington, DC 20202–6132. If you prefer to send your comments through the Internet, use the following address: syed_asghar@ed.gov

FOR FURTHER INFORMATION CONTACT: Syed M. Asghar. Telephone: (202)205–3015. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain the document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

A. Background

The Department has recovered $538,210 from the ORSC for overclaimed indirect costs following an investigation conducted by the Office of Inspector General (OIG) covering Federal fiscal years ending September 30, 1993 and 1994.

The claims involved the ORSC's administration of the State Vocational Rehabilitation (VR) Services Program (Federal Grants H126A930052 and H126A940052). This program is authorized by the Rehabilitation Act of 1973, as amended (Act), 29 U.S.C. 701 *et seq.* The Act authorizes grants to assist States to meet the current and future needs of individuals with disabilities so that those individuals may prepare for and engage in gainful employment to the extent of their capabilities.

During a review of ORSC's expenditures for fiscal years 1993 and 1994, the Office of the Chief Financial Officer (OCFO) determined that ORSC's provisional indirect cost rates for those years were greater than its final rate. On July 1, 1997, OCFO asked the OIG to quantify the actual amount of overclaimed indirect costs so that OCFO could recover them from ORSC.

OIG carried out an investigation of the indirect costs claimed by ORSC during fiscal years 1993 and 1994. The investigative report was issued on November 21, 1997. According to that report, in fiscal years 1993 and 1994, ORSC billed Federal programs using the provisional indirect cost rates that turned out to be higher than the final rates negotiated for those periods. The allowable recovery for the 2-year period, based on the final indirect cost rates, was $13,773,251. By using provisional rates, ORSC actually billed Federal programs $15,463,402. As a result, ORSC overclaimed indirect costs of $1,690,151 in fiscal years 1993 and 1994, of which $538,210 was the portion that belonged to the Department.

Based on the OIG investigation, ORSC submitted a payment of $538,210 to the Department in August, 1999 in full settlement of the Department's claims arising from the investigation.

On September 20, 1999, the ORSC requested a grantback of $403,650, which represents 75 percent of these recovered funds.

B. Authority for Awarding a Grantback

Section 459(a) of GEPA, 20 U.S.C. 1234h(a), provides that, whenever the Secretary has recovered funds under an applicable program because the recipient made an expenditure of funds that was not allowable, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the grantee affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this grantback requested by the ORSC if the Secretary determines that the—

(a) Practices and procedures of the ORSC that resulted in the findings have been corrected, and the State agency is, in all other respects, in compliance with the requirements of the applicable programs;

(b) ORSC has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program and, to the extent possible, benefits the population that was affected by the failure to comply or by misexpenditures that resulted in the investigation; and

(c) Use of funds to be awarded under the grantback arrangement in accordance with the ORSC's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 459(a)(2) of GEPA, the ORSC has applied for a grantback totaling $403,650, which is 75 percent of the principal amount of the recovered funds, and has submitted a plan for use of the grantback funds. The agency will use the funds for the reengineering of the ORSC Accounting System (RAS) to bring it into operating compatibility with the agency's consumer reporting system and the Ohio Central Accounting System. The project will greatly enhance the agency's ability to efficiently process and track program expenditures and eliminate the outdated overnight batch transfer of consumer and financial information between the two ORSC's internal computer systems. The project will also allow direct entry of payments into the Ohio Statewide Central Accounting System in place of the current overnight batch processing of administrative payments. The new system will be a much more responsive, functional, and integrated computer system that will bring the agency's consumer and financial systems into the same operating environment.

The procedural violation, which led to the repayment of Federal funds has been corrected by the ORSC. In addition, ORSC has clarified to the Rehabilitation Services Administration that the situation has been remedied through the Department of Education's approval of their current fixed rate structure, under which they have been operating since fiscal year 1995. There have been no audit exceptions noted against their indirect cost plans, and none are anticipated.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by the ORSC. Based upon that review, the Secretary has determined that the conditions under section 459(a) of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this

information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 459(a) of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or other investigations.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 459(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Ohio Rehabilitation Services Commission under a grantback arrangement. The grantback award would be in the amount $403,650, which is 75 percent—the maximum percentage authorized by statute—of the principal amount recovered as a result of the investigation.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The ORSC agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(a) The funds awarded under the grantback must be spent in accordance with—

(1) All applicable statutory and regulatory requirements;

(2) The plan that the ORSC submitted and any amendments to the plan that are approved in advance by the Secretary; and

(3) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(b) All funds received under the grantback arrangement must be obligated by September 30, 2002, in accordance with section 459(c) of GEPA.

(c) The ORSC must, no later than January 1, 2003, submit a report to the Secretary that—

(1) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and any amendments that have been approved in advance by the Secretary; and

(2) Describes the results and effectiveness of the project for which the funds were spent.

(d) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(e) Before funds will be repaid pursuant to this notice, the ORSC must repay to the Department any debts that become overdue or enter into a repayment agreement for those debts.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the internet at either of the following sites:

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(Catalog of Federal Domestic Assistance Number 84.126 The State Vocational Rehabilitation Services Program)

Dated: February 28, 2001.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

[FR Doc. 01–5254 Filed 3–2–01; 8:45 am]

BILLING CODE 4000–01–P

Reader Aids

Federal Register

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Monday, March 5, 2001

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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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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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

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