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Contents

Federal Register

Vol. 66, No. 46

Thursday, March 8, 2001

Agency for International Development
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13872

Agriculture Department
See Commodity Credit Corporation
See Cooperative State Research, Education, and Extension Service
See Farm Service Agency
See Grain Inspection, Packers and Stockyards Administration
See Natural Resources Conservation Service
NOTICES
Meetings:
National Agricultural Research, Extension, Education, and Economics Advisory Board, 13872–13873

Air Force Department
NOTICES
Global Positioning Systems:
Interface control document configuration management activities, 13916–13917

Alcohol, Tobacco and Firearms Bureau
RULES
Alcohol, tobacco, and other excise taxes:
Tobacco products—
Tobacco products and cigarette papers and tubes shipped from Puerto Rico; on-site supervision and forms eliminated, 13849–13851
PROPOSED RULES
Alcohol, tobacco, and other excise taxes:
Tobacco products—
Tobacco products and cigarette papers and tubes shipped from Puerto Rico; on-site supervision and forms eliminated; cross reference, 13864–13865

Antitrust Division
NOTICES
National cooperative research notifications:
Auto Body Consortium, Inc., 13968
BizTech for Energy, 13968
Broadband Content Delivery Forum, Inc., 13968–13969
Die Products Consortium, 13969
Honeywell International, Inc., 13969
Interoperability Consortium, Inc., 13969–13970
J Consortium, Inc., 13970
Management Service Providers Association, Inc., 13970
Petrotechnical Open Software Corp., 13971
Portland Cement Association, 13971
PXI Systems Alliance, Inc., 13971–13972
Semiconductor Research Corp., 13972
Southwest Research Institute, 13972
Spray Drift Task Force, 13972–13973
United Defense, L.P., 13973

Census Bureau
NOTICES
Reports and guidance documents; availability, etc.:
Population tabulations to States and localities, other population information, etc., 14003–14046

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13928–13931
Submission for OMB review; comment request
Proposed collection; comment request, 13930–13931

Children and Families Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Runaway and homeless youth programs, 13931–13934
Organization, functions, and authority delegations:
Child Support Enforcement Office; correction, 13934–13935

Coast Guard
RULES
Ports and waterways safety:
Fore River Bridge, Weymouth, MA; safety zone, 13851–13853
Mission Bay, CA; safety zone, 13853–13854
PROPOSED RULES
Ports and waterways safety:
McArdle Bridge, Boston, MA; safety zone, 13867–13868

Commerce Department
See Census Bureau
See Export Administration Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Textile and apparel categories:
African Growth Opportunity Act; short supply request for various fabrics, 13912–13913
United States-Caribbean Basin Trade Partnership Act; short supply request for cashmere and camel hair yarns, 13913–13914

Commodity Credit Corporation
RULES
Loan and purchase programs:
Market loss assistance programs; wool, mohair and apples, 13839–13846

Consumer Product Safety Commission
NOTICES
Model rocket propellant devices for use with ground vehicles; exemption petition, 13914

Cooperative State Research, Education, and Extension Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Community Food Projects Program, 14047–14056

Defense Department
See Air Force Department
RULES
Federal Acquisition Regulation (FAR):
Small business programs; CFR correction, 13856

NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13915
Meetings:
Defense Finance and Accounting Service Board of Advisors, 13916
Nuclear Weapons Surety Joint Advisory Committee, 13916
Science Board, 13916

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13917

Employment and Training Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13974–13975

Energy Department
See Energy Efficiency and Renewable Energy Office
See Energy Information Administration
See Federal Energy Regulatory Commission

Energy Efficiency and Renewable Energy Office
NOTICES
Consumer products; energy conservation program:
Representative average unit costs of energy sources—
Electricity, natural gas, heating oil, propane, and kerosene, 13917–13918

Energy Information Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13918–13919

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Pennsylvania
CFR correction, 13854
NOTICES
Superfund program:
Prospective purchaser agreements—
Master Metals, Inc., Site, OH, 13925

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Meetings:
Materials Processing Equipment Technical Advisory Committee, 13878

Farm Service Agency
NOTICES
Meetings:
President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health, 13873

Federal Aviation Administration
PROPOSED RULES
Airworthiness directives:
Bell, 13858–13860
NOTICES
Meetings:
Informal airspace workshops, 13995–13996
Research, Engineering, and Development Advisory Committee, 13996
Passenger facility charges; applications, etc.:
Reno/Tahoe International Airport, NV, 13996–13997

Federal Communications Commission
RULES
Digital television stations; table of assignments:
Maine, 13855
Nebraska, 13855
Nevada, 13856
West Virginia, 13855–13856
PROPOSED RULES
Radio stations; table of assignments:
Arizona, 13870

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 13925

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Nevada Power Co. et al., 13922–13924
Environmental statements; availability, etc.:
PacifiCorp, 13924–13925
Applications, hearings, determinations, etc.:
Columbia Gulf Transmission Co., 13919–13920
Dairyland Power Cooperative, 13920
PG&E Gas Transmission, Northwest Corp., 13920
Strategic Energy L.L.C., 13920–13921
Tennessee Gas Pipeline Co., 13921
Texas Gas Transmission Corp. et al., 13921–13922
Transwestern Pipeline Co., 13922

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Putnam and Jackson Counties, TN, 13997

Federal Maritime Commission
NOTICES
Agreements filed, etc., 13925–13926
Ocean transportation intermediary licenses:
Central Ocean Freight Inc. et al., 13926
Horizon International Co. et al., 13926–13927
International Services, Inc., et al., 13927

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 13927
Formations, acquisitions, and mergers, 13927–13928
Permissible nonbanking activities, 13928

Federal Transit Administration
NOTICES
Transit operations; prohibited drug use and alcohol misuse prevention:
Random drug and alcohol testing rates, 13997–13998

Fish and Wildlife Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13947–13949

Endangered and threatened species permit applications, 13949–13950

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Clindamycin hydrochloride liquid, 13848
Milbemycin oxime solution, 13848–13849
Sponsor name and address changes—
MoorMan's, Inc., 13847–13848
Food additives:
Natamycin (pimaricin), 13846–13847
NOTICES
Reports and guidance documents; availability, etc.:
Levothyroxine sodium: questions and answers, 13935
Levothyrozine sodium tablets; in vivo pharmacokinetic and bioavailability studies and in vitro dissolution testing, 13935–13936
Medical devices; FDA Modernization Act of 1997; third party programs implementation; guidance for staff, industry, and third parties, 13936–13938

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Tennessee, 13878

General Services Administration
RULES
Federal Acquisition Regulation (FAR):
Small business programs; CFR correction, 13856

Geological Survey
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13950
Meetings:
National Satellite Land Remote Sensing Data Archive Advisory Committee, 13950–13951

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
Nebraska, 13873–13874
Various States, 13874–13876
Central filing systems; State certifications:
Oklahoma, 13876
Stockyards; posting and deposting:
Dixie Livestock Market, Inc., GA, 13876–13877
Speldrich Feeder Pig Market, MN, et al., 13877

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
RULES
Medicare:
Medicare+Choice program; compliance deemed on basis of accreditation; CFR correction, 13854–13855

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13944
Reports and guidance documents; availability, etc.:
Regulations waiver procedures; clarification of authority during transition period, 13944–13945

Immigration and Naturalization Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13973–13974

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Land Management Bureau
See Minerals Management Service
NOTICES
Privacy Act:
Systems of records, 13945–13947

Internal Revenue Service
PROPOSED RULES
Income taxes:
Defined benefit pension plan; excess assets transfer to retiree health account; minimum cost requirement
Hearing cancellation, 13864

International Trade Administration
NOTICES
Antidumping:
Aramid fiber formed of poly para-phenylene terephthalamide from—
Netherlands, 13879–13881
Coumarin from—
China, 13881–13885
Foundry coke from—
China, 13885–13890
Hot-rolled flat-rolled carbon-quality steel products from—
Brazil, 13891
Mechanical transfer presses from—
Japan, 13891–13893
Oil country tubular goods from—
Canada, 13893–13895
Potassium permanganate from—
China, 13895–13896
Preserved mushrooms from—
India, 13896–13903
Indonesia, 13903–13907
Cheese quota; foreign government subsidies:
Quarterly update, 13907–13908
Quarterly update; correction, 13908
Countervailing duties:
Circular seamless carbon and alloy steel standard, line, and pressure pipe from—
Italy, 13909–13910
Oil country tubular goods from—
Italy, 13910–13911
Stainless steel bar from—
Italy, 13911–13912

International Trade Commission
NOTICES
Import investigations:
Automotive replacement glass windshields from—
China, 13962–13963
Harmonized Tariff Schedule—
Proposed modifications, 13963–13965
Steel wire rope from—
Malaysia, 13965

Justice Department
See Antitrust Division
See Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
Arkansas City, KS, et al., 13965–13966
J.L. Land Development, Inc., 13966
Privacy Act:
Systems of records, 13966–13968

Labor Department
See Employment and Training Administration
See Mine Safety and Health Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13974
Organization, functions, and authority delegations:
Assistant Secretary for Disability Employment Policy, 14057–14059
Labor Secretary; order of succession, 14061–14063

Land Management Bureau
NOTICES
Meetings:
Resource Advisory Councils—
Western Montana, 13951

Minerals Management Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13951–13960
Submission for OMB review; comment request, 13960–13962

Mine Safety and Health Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13975–13976

National Aeronautics and Space Administration
RULES
Federal Acquisition Regulation (FAR):
Small business programs; CFR correction, 13856
NOTICES
Meetings:
Advisory Council
Aero-Space Technology Advisory Committee, 13976

National Archives and Records Administration
NOTICES
Agency records schedules; availability, 13976–13979

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Scallop; correction, 13857
PROPOSED RULES
Fishery conservation and management:
Magnuson-Stevens Act provisions—
Foreign fishing vessels; fee schedule, 13870–13871
NOTICES
Meetings:
North Pacific Fishery Management Council, 13912

National Science Foundation
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 13979–13981

Natural Resources Conservation Service
NOTICES
Meetings:
Agricultural Air Quality Task Force, 13877

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Saxton Nuclear Experimental Corp. et al., 13981–13982
Meetings:
Reactor Safeguards Advisory Committee, 13982

Office of United States Trade Representative
See Trade Representative, Office of United States

Postal Service
PROPOSED RULES
International Mail Manual:
International Customized Mail service, 13868–13870

Presidential Documents
PROCLAMATIONS
Special observances:
Greek Independence Day: A National Day of Celebration of Greek and American Democracy (Proc. 7414), 14069–14070
Save Your Vision Week (Proc. 7413), 14065–14068

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Research and Special Programs Administration
NOTICES
Hazardous materials:
Exemption applications delayed; list, 13998–13999

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Exemption applications—
Garr Rosenberg Series Trust et al., 13983–13984
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 13985–13986
Pacific Exchange, Inc., 13986–13989
Applications, hearings, determinations, etc.:
Integrated Orthopaedics, Inc., 13982–13983

Small Business Administration
NOTICES
Disaster and emergency areas:
Mississippi, 13989–13990
Washington, 13990

State Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Language and Culture Enhancement Program, 13992–13993
Latin America, Caribbean, and Middle East; women's leadership and disability issues, 13990–13992
Meetings:
Fine Arts Committee, 13993
International Communications and Information Policy Advisory Committee, 13993
Public Diplomacy, U.S. Advisory Commission, 13993

Shipping Coordinating Committee, 13993–13994

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Circles of Care, 13938–13939
Community Action Program and Special Racial and Ethnic Priority Initiative, 13939–13941
Community-Based Action; State Incentive Cooperative Agreements, 13941–13942
Statewide Consumer Networks, 13942–13944

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Meetings:
Industry Sector Advisory Committees—Small and Minority Business, 13994
Tariff-rate quota amount determinations:
Dry beans, 13994–13995

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
See Research and Special Programs Administration
PROPOSED RULES
Computer reservation systems, carrier-owned, 13860–13863
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 13995
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 13995

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service
PROPOSED RULES
Privacy Act; implementation, 13865–13866

United States Institute of Peace
NOTICES
Meetings; Sunshine Act, 13999

Veterans Affairs Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 13999–14001
Submission for OMB review; comment request, 14001

Separate Parts In This Issue

Part II
Department of Commerce, Census Bureau, 14003–14046

Part III
Department of Agriculture Cooperative State Research, Education, and Extension Service, 14047–14056

Part IV
Department of Labor, 14057–14059

Part V
Department of Labor, 14061–14063

Part VI
The President, 14065–14070

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

7413 14067
7414 14069

7 CFR

1469 13839
1470 13839

14 CFR

Proposed Rules:

39 13858
255 13860

21 CFR

172 13846
510 13847
520 13848
524 13848

26 CFR

Proposed Rules:

1 13864

27 CFR

275 13849

Proposed Rules:

275 13864

31 CFR

Proposed Rules:

1 13865

33 CFR

165 (2 documents) 13851, 13853

Proposed Rules:

165 13867

39 CFR

Proposed Rules:

20 13868

40 CFR

52 13854

42 CFR

422 13854

47 CFR

73 (4 documents) 13855, 13856

Proposed Rules:

73 13870

48 CFR

19 13856

50 CFR

679 13856

Proposed Rules:

600 13870

Rules and Regulations

Federal Register

Vol. 66, No. 46

Thursday, March 8, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1469 and 1470

RIN 0560–AG35

Wool and Mohair Market Loss Assistance Program and Apple Market Loss Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the 2001 Act), related to the Wool and Mohair Market Loss Assistance Payment Program and the Apple Market Loss Assistance Payment Program. Other provisions of the 2001 Act will be implemented under separate rules.

DATES: Effective March 5, 2001.

FOR FURTHER INFORMATION CONTACT: Danielle Cooke, (202) 720–1919.

SUPPLEMENTARY INFORMATION:

Notice and Comment

Section 840 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106–387) requires that the regulations necessary to implement these provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture (the Secretary) effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. These provisions are thus issued as final and are effective immediately.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be Economically Significant and has been reviewed by the Office of Management and Budget. A cost-benefit assessment was completed and is summarized after the background section explaining the actions this rule will take.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because the USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Small Business Regulatory Enforcement Fairness Act of 1996

Section 840 of Pub. L. 106–387 requires that the regulations necessary to implement these provisions be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. It also requires that the Secretary use the provisions of 5 U.S.C. 808 (the Small Business Regulatory Enforcement Fairness Act (SBREFA)), which provides that a rule may take effect at such time as the agency may determine if the agency finds for good cause that public notice is impracticable, unnecessary, or contrary to the public purpose, and thus does not have to meet the requirements of § 801 of SBREFA requiring a 60-day delay for Congressional review of a major regulation before the regulation can go into effect. This rule is considered a major rule for the purposes of SBREFA. However, the rule affects the incomes of a large number of agricultural producers who have been hit hard by natural disasters and poor market conditions. Accordingly, because it would be contrary to the public interest to delay those provisions of this rule, as expressed in Pub. L. 106–387, they are issued as final and are effective immediately.

Paperwork Reduction Act

Section 824 of Pub. L. 106–78 requires that the regulations implementing these provisions be promulgated without regard to the Paperwork Reduction Act. This means that the normal 60-day public comment period and OMB approval of the information collections required by this rule are not required before the regulations may be made effective. However, the 60-day public comment period and OMB approval under the provisions of 44 U.S.C. chapter 35 are still required after the rule is published, and Information Collection Packages and requests for approval will be submitted to OMB.

Background

This rule will implement requirements of Pub. L. 106–387 related to the Wool and Mohair and Apple Market Loss Assistance Programs.

Descriptions of this rule's provisions follow.

(1) 7 CFR Part 1469—Wool and Mohair Market Loss Assistance Payment Program

This rule implements the requirements of § 814 of Pub. L. 106–387 related to the Wool and Mohair Market Loss Assistance Payment Program. Section 814 provides that the Secretary shall use no more than $20 million of CCC funds to make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year. Pub. L. 106–554 mandated a Government-wide rescission of 0.22 percent of appropriated funds, reducing the funding for the Wool and Mohair Market Loss Assistance Payment Program to $19.956 million. The 2001 Act requires the Secretary of Agriculture to make direct payments equal to 40 cents per pound for wool and mohair. Producers wanting to participate in the program must file an application for payment by April 13, 2001, or such other date as may be set by the Deputy Administrator for Farm Programs, CCC. Applications will be spot-checked and validated by FSA. Payment will be made only for wool and mohair shorn in the United States in 2000 from live domestic animals owned by the producer for 30 days or more. These restrictions are intended to insure that coverage is limited to actual wool producers, as opposed to meat producers, for wool actually produced as wool, not a by-product, during the relevant time period allowed for by the statute. Other restrictions will also apply.

(2) 7 CFR Part 1470—Apple Market Loss Assistance Payment Program

This rule implements § 811 of Pub. L. 106–387, which directs the Secretary of Agriculture to use $100 million of the Commodity Credit Corporation (CCC) funds to provide assistance to producers for their 1998 and 1999 apple production. The Government-wide 0.22% rescission of appropriated funds reduces that amount to $99.78 million.

During the past few years a number of factors have produced a serious economic crisis that threatens the existence of apple producers throughout the United States. Apples are grown in every State in the continental United States, and are grown commercially in 36 States. Twenty years of increasing world production, stagnant domestic consumption, natural disasters and low-priced imports converged 2 years ago, resulting in apple growers receiving the lowest prices since the late 1980's for 1998 and 1999 apples bound for fresh market sale. At the same time, a flood of cheap apple juice concentrate imports from the People's Republic of China dramatically reduced the demand for processing apples and caused juice apple prices to plummet, further eroding the industry's overall price structure. The revenue of apple producers plummeted in 1998 and recovered in 1999, but failed to reach revenue earned in previous years. U.S. apple growers received an average of 21.2 cents per pound for fresh market apples from the 1999 crop, up from 17.3 cents per pound in 1998, a historical low. Apple growers receive about 80 percent of their gross income by providing fresh fruit and 20 percent by providing fruit for juice, applesauce and other processed products. Without a significant improvement in the market price on sales of apples, many apple producers will not be able to remain in business.

This rule addresses that situation by providing for a new program to be administered by FSA utilizing the foregoing authority. Payments to apple operations under the program provided for by this rule will offset a portion of the per-bushel losses producers have incurred marketing apples in the U.S. Payments under this new program will provide those eligible for the payments with an immediate infusion of funds to help pay operating expenses and meet other financial obligations.

Producers of apples can receive a payment per pound for the higher of either 1998 or 1999 apple production from a qualifying apple operation. Producers will only be paid on a maximum quantity of 1,600,000 pounds per separate apple operation. Payments will not be subject to administrative offset or withholding, as provided by § 842 of Pub. L. 106–387.

To receive cash payments, eligible apple producers must: (1) have produced and harvested apples during the 1998 and/or 1999 crop year, (2) not have received a payment from any other Federal program, other that crop insurance, for the same market loss, and (3) apply for cash payments during the application period for each apple operation. Pub. L. 106–387, also specified that benefits under the program would not be subject, to the extent practicable, to the gross income means test and payment limitations, other than those provided in this part.

To participate in the program, eligible apple producers must: (1) self-certify to the gross pounds of production that were produced and harvested during the higher of their 1998 and 1999 crop year apple production, and (2) apply for payments during the sign-up period set by the CCC pursuant to these regulations. At the close of the sign-up period, a national per pound payment rate will be determined based on the factoring of the available $99.78 million divided by the total pounds of eligible apple production from each applying apple operation, with no operation exceeding 1,600,000 pounds of apple production. Because outlays for this program are a fixed amount, the national average payment rate and individual payments can only be calculated after the total eligible quantity of apple production has been determined from approved applications. Apple producers will be subject to random spot checks performed by local FSA personnel. Penalties for inaccurate certifications by producers can be easily assessed and will inhibit false reports.

Apple operations may, during the applicable period, apply in person at county FSA offices during regular business hours. Alternatively, program applications may be obtained by mail, telephone, and facsimile from their designated county FSA office or obtained via the Internet. The Internet website is located at www.fsa.usda.gov/dafp/psd/.

Cost-Benefit Assessment Summary

Wool and Mohair Market Loss Assistance (MLA) Payment Program

Payments of 40 cents per pound on 2000 wool production could amount to about $18 million, assuming wool production does not fall from 1999 levels, and could potentially double proceeds from wool production. Continuing low market prices for wool will likely further reduce wool production in 2001. However, some additional production may be stimulated in 2001 for producers who otherwise lack financing. Continued heavy textile imports likely will mean stagnant mill demand for wool. MLA payments may contribute to continued depressed prices in the future to the extent that they stimulate additional production.

Mohair producers will also receive 40 cents per pound, totaling about $2 million. The income impact of this program on mohair producers is not as significant as it is on wool producers, since prices are much higher for mohair than for wool. Consequently, its impact on the supply/use situation for mohair should be even less than its impact on the wool situation.

Apple Market Loss Assistance Payment Program

The principal benefit of the market loss assistance program will be the approximately $100 million in financial assistance that apple growers receive, which could determine if some of them remain in business. The per-pound payment hinges on the total eligible production reported by applicants, so FSA will be unable to calculate the final rate until around April 2001.

Using 2001 projected farm numbers, FSA's preliminary payment rate projection is about 2 cents per pound of eligible production. Payments to growers with the smallest apple acreages would be inconsequential—with those having less than an acre receiving average payments under $20. Many of those growers will be among those whose fruit is for home use only, or certainly is not expected to provide an important part of family income.

Given the input-intensive nature of apple production, many growers may need annual loans to cover operating expenses such as labor and pesticides. However, recent poor returns may make lenders wary of assuming the risk of loaning to apple growers. This program could improve the financial position of some producers enough to allow them to acquire the loans they need to continue operating

The Apple Market Loss Assistance Program could aid some producers on the brink of insolvency to remain in business but the effect of this program on the long-run viability of the industry will be minimal. In fact, if the program encourages overproduction it will slow structural changes needed to enhance industry viability.

List of Subjects

Part 1469

Loan programs—agriculture, Price support programs, Reporting and recordkeeping requirements.

Part 1470

Apple, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 7 CFR Chapter XIV is amended as set forth below.

PART 1469—WOOL AND MOHAIR PRICE SUPPORT PROGRAMS

1. The authority citation for part 1469 is revised to read as follows:

Authority: Pub. L. 105–277, 112 Stat. 2681; Sec. 801, Pub. L. 106–78, 113 Stat. 1135; Sec. 204(d), Pub. L. 106–224; Sec. 814, Pub. L. 106–387 (114 Stat. 1549A–55).

2. Add subpart C to part 1469 to read as follows:

Subpart C—Wool and Mohair Market Loss Assistance Program II

Sec.
1469.201 Applicability.
1469.202 Administration.
1469.203 Definitions.
1469.204 Time and method of application.
1469.205 Eligibility.
1469.206 Availability of funds.
1469.207 Payment rate and amount.
1469.208 Offsets.
1469.209 Appeals.
1469.210 Misrepresentation.
1469.211 Maintaining records.
1469.212 Estates, trust and minors.
1469.213 Death, incompetency, or disappearance.
1469.214 Refunds; joint and several liability.

Subpart C—Wool and Mohair Market Loss Assistance Program II

§ 1469.201 Applicability.

The regulations of this subpart provide the terms and conditions under which the Commodity Credit Corporation (CCC) shall make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year.

§ 1469.202 Administration.

(a) The Wool and Mohair Market Loss Assistance Program shall be administered under the general supervision of the Executive Vice President, CCC, or designee and shall be carried out in the field by State and county Farm Service Agency committees (State and county committees) and FSA employees.

(b) State and county committees, and FSA employees, do not have the authority to modify or waive any of the provisions of the regulations of this subpart.

(c) The State committee shall take any action required by these regulations that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require the county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; and

(2) Require a county committee to withhold taking any action that is not in accordance with the regulations of this subpart.

(d) No provision or delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not adversely affect the operation of the Wool and Mohair Market Loss Assistance Program II and does not violate statutory limitations on the program.

§ 1469.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Wool and Mohair Market Loss Assistance Program II established by this subpart.

Application means Form CCC–1155, the Wool and Mohair Market Loss Assistance Program II Application.

Application period means March 5, 2001 through April 13, 2001.

CCC means the Commodity Credit Corporation.

County committee means the FSA county committee.

County office is the local FSA office.

Farm Service Agency or FSA means the Farm Service Agency of the United States Department of Agriculture.

Goat means an adult Angora goat or the kid of an Angora goat.

Grease mohair means mohair as it comes from the Angora goat or the kid of an Angora goat before applying any process to remove the natural oils or fats.

Grease wool means wool as it comes from the sheep or lambs before applying any process to remove the natural oils or fats.

Hide means thick tough skin of the animal.

Lamb means a young ovine animal that has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

Marketing year means a period beginning January 1, and ending the following December 31, both dates inclusive.

Mohair means the hair sheared from a live Angora goat before applying any process that removes the natural oils or fats or produces a mohair product. Mohair does not include grease mohair shorn from pelts or hides.

Pelt means the skin of the animal with wool still attached to the skin.

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien or aliens, in the United States.

Producer means any person or group of persons who as a single unit produce wool or mohair and whose production and facilities are located in the United States.

Pulled mohair means mohair obtained from the pelts or hides of dead goat.

Pulled wool means wool obtained from the pelts or hides of dead sheep.

Shorn mohair means grease mohair sheared from a live Angora goat or the kid of an Angora goat. Shorn mohair does not include pelts, hides, or pulled mohair.

Shorn wool means grease wool sheared from live sheep or lambs. Shorn wool does not include pelts, hides, or pulled wool.

State committee is the FSA committee so designated for the applicable State.

United States means the 50 United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

Wool means the hair sheared from a live sheep before applying any process that removes the natural oils or fats or produces a wool product. Wool does not include grease wool shorn from pelts or hides.

§ 1469.204 Time and method of application.

(a) Wool and mohair producers may obtain an application, Form CCC–1155 (Wool and Mohair Market Loss Assistance Program II Application), in person, by mail, by telephone, or by facsimile from any county FSA office. In addition, applicants may download a copy of Form CCC–1155 at http://www.sc.egov.usda.gov

(b) A request for payments under this subpart must be submitted on a completed Form CCC–1155. Form CCC–1155 should be submitted to the FSA county office servicing the county where the producer is located but, in any case, must be received by the FSA county office by the close of business on April 13, 2001. Applications not received by the close of business on April 13, 2001, will be returned as not having been timely filed and the producer will not be eligible for payments under this program.

(c) The wool and mohair producer requesting payments under this subpart must certify with respect to the accuracy and truthfulness of the information provided in their application for payments. All information provided is subject to a spot check by CCC. Refusal to allow CCC or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program payments. Furnishing the data is voluntary; however, without it program payments will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 1469.205 Eligibility.

(a) *Producers.* To be eligible to receive a payment under this subpart, a producer must:

(1) Have produced domestic wool and/or domestic mohair during the period of January 1, 2000, through December 31, 2000.

(2) Be engaged in the business of producing and marketing agricultural products at the time of filing the application; and

(3) Apply for payment during the application period.

(b) *Eligible wool and mohair.*

(1) Wool and mohair is eligible to generate payments under this subpart only if the wool or mohair was produced by shearing live animals (not wool or mohair which is pulled or which is shorn from hides or pelts) and only if such shearing occurred in 2000 and in the United States.

(2) The producer applying for payment must have owned the wool or mohair at the time of shearing and must have owned in the United States the sheep, lambs, or goats from which the wool or mohair was shorn for 30 days or more at any time prior to shearing and actually owned the animal at the time of shearing.

§ 1469.206 Availability of funds.

The total available program funds shall be $19.956 million as provided by section 814 of Public Law 106–387 and amended by section 1403 of Public Law 106–554.

§ 1469.207 Payment rate and amount.

(a) Benefits under this subpart may be made to producers of wool and mohair during the 2000 marketing year.

(1) *Payment rate.*

(i) The payment rate for wool is 40 cents per pound.

(ii) The payment rate for mohair is 40 cents per pound.

(2) *Payment amount.* The payment amount for wool or mohair will be calculated, after the conclusion of the sign-up period, by multiplying the certified pounds by the payment rate.

(b) In the event that approval of all eligible applications would result in expenditures in excess of the $19.956 million appropriated, CCC will calculate payments by tabulating all eligible pounds of wool and mohair and dividing the sum by $19.956 million to get a national payment rate per pound for wool and mohair.

§ 1469.208 Offsets.

(a) Any payment or portion thereof due any person under this subpart shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against the wool, the sheep, the mohair or the angora goats thereof, or proceeds thereof, in favor of the producer or any other creditors except agencies of the U.S. Government.

(b) Any payments received by a producer are not subject to assignments, administrative offsets or withholdings, including administrative offset under chapter 37 of title 31, United States Code, as provided by section 842 of Public Law 106–387.

(c) The regulations governing offsets and withholdings found at 7 CFR Part 1403 shall not be applicable to this subpart.

§ 1469.209 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this subpart may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 1469.210 Misrepresentation.

(a) Whoever issues a false document or otherwise acts in violation of the provisions of this program so as to enable a producer to obtain a payment to which such producer is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false document or the making of a false statement in an application for payment or other document, for the purpose of enabling the producer to obtain a payment to which such producer is not entitled, may subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1469.211 Maintaining records.

Producers making application for a payment under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein. Such records and accounts must be retained for 3 years after the date of payment to the producer under this subpart.

§ 1469.212 Estates, trust, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible producer of wool or mohair shall be eligible for assistance under this subpart only if such producer meets one of the following requirements:

(1) The minor establishes that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and has executed the applicable program documents; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1469.213 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a wool or mohair producer that is eligible to receive benefits in accordance with this subpart, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by CCC.

§ 1469.214 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application or this subpart, and if any refund of a payment to CCC shall otherwise become due in connection with the application or this subpart, all payments made under this subpart to any producer shall be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this chapter.

(b) All producers signing an application for payment as having an interest shall be jointly and severally liable for any refund, including related charges, that is determined to be due for any reason under the terms and conditions of the application or this subpart.

(c) Interest shall be applicable to refunds required of any producer under this subpart if CCC determines that payments or other assistance were provided to a producer who was not eligible for such assistance. Such interest shall be charged at the rate of interest that the United States Treasury charges the CCC for funds, as of the date CCC made benefits available. Such interest shall accrue from the date of repayment or the date interest increases as determined in accordance with applicable regulations. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the producer.

(d) Interest determined in accordance with paragraph (c) of this section may not be waived on refunds required of the producer when there was intentional misaction on the part of the producer, as determined by CCC.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in, part 1403 of this chapter.

(f) Producers must refund to CCC any excess payments made by CCC with respect to such application.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any producer, the benefit must be repaid with any applicable interest.

2. Amend 7 CFR Chapter VII by adding a new part 1470 to read as follows:

PART 1470—APPLE MARKET LOSS ASSISTANCE PAYMENT PROGRAM

Sec.

1470.1 Applicability.
1470.2 Administration.
1470.3 Definitions.
1470.4 Time and method of application.
1470.5 Eligibility.
1470.6 Proof of production.
1470.7 Availability of funds.
1470.8 Applicant payment quantity.
1470.9 Payment rate and apple operation payment.
1470.10 Offsets.
1470.11 Appeals.
1470.12 Misrepresentation and scheme or device.
1470.13 Estates, trusts, and minors.
1470.14 Death, incompetency, or disappearance.
1470.15 Maintaining records.
1470.16 Refunds; joint and several liability.

Authority: Sec. 811, Pub. L. 106–387, 114 Stat 1549.

§ 1470.1 Applicability.

(a) The regulations in this subpart are applicable to producers of 1998 and 1999 crop of apple production. These regulations set forth the terms and conditions under which the Commodity Credit Corporation (CCC) shall provide payments to apple producers who have applied to participate in the Apple Market Loss Assistance Payment Program in accordance with section 811 of Public Law 106–387. Additional terms and conditions may be set forth in the payment application that must be executed by participants to receive a market loss payment for apples.

(b) Payments shall be available only for apples produced and harvested in the United States.

§ 1470.2 Administration

(a) The Apple Market Loss Payment Program shall be administered under the general supervision of the Executive Vice President, CCC, or a designee, and shall be carried out in the field by State and county Farm Service Agency committees (State and county committees) and FSA employees.

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations of this subpart.

(c) The State committee shall take any action required by the regulations of this subpart that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require the county committee to correct, any action taken by such county committee that is not in accordance with the regulations of this subpart; and

(2) Require a county committee to withhold taking any action that is not in accordance with the regulations of this subpart.

(d) No provision or delegation of this subpart to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements do not affect adversely the operation of the Apple Market Loss Assistance Payment program and does not violate statutory limitations on the program.

(f) Payment applications and related documents not executed in accordance with the terms and conditions determined and announced by CCC, including any purported execution outside of the dates authorized by CCC, shall be null and void unless the Executive Vice President, CCC, shall otherwise allow.

§ 1470.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Apple Market Loss Assistance Payment program established by this subpart.

Apple Operation means any person or group of persons who as a single unit as determined by CCC, produce and market apples in the United States and which has elected to participate in the program authorized by the part.

Application means Form CCC–891, the Apple Market Loss Assistance Payment Application.

Application period means March 5, 2001 through April 13, 2001.

Commodity Credit Corporation or CCC means the Commodity Credit Corporation.

County committee means the FSA county committee.

County office means the local FSA office.

Department or USDA means the United States Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Farm Programs (DAFP), Farm Service Agency or a designee.

Farm Service Agency or FSA means the Farm Service Agency of the Department.

Eligible production means apples that had been produced in the United States anytime during the 1998 and or 1999 crop year, subject to a maximum of 1,600,000 pounds per apple operation.

Higher production year means the crop year, either 1998 or 1999, as selected by the apple operation, during which apples were produced.

Payment pounds means the pounds of apples for which an operation is eligible to be paid under this subpart.

Person means any individual, group of individuals, partnership, corporation, estate, trust association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen of, or legal resident alien or aliens in the United States.

United States means the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

Verifiable production records means evidence that is used to substantiate the amount of production reported and that can be verified by CCC through an independent source.

§ 1470.4 Time and method of application.

(a) Apple producers may obtain an application, Form CCC–891 (Apple Market Loss Assistance Payment Application), in person, by mail, by telephone, or by facsimile from any county FSA office. In addition, applicants may download a copy of the CCC–891 at http://www.sc.egov.usda.gov.

(b) A request for benefits under this subpart must be submitted on a completed Form CCC–891. The Form CCC–891 should be submitted to the county FSA office serving the county where the apple operation is located but, in any case, must be received by the county FSA office by the close of business on April 13, 2001. Applications not received by the close of business on April 13, 2001, will be disapproved as not having been timely filed and the apple operation will not be eligible for benefits under this program.

(c) All persons who share in an apple operation's total production must certify on the same CCC–891 in order to obtain the maximum eligible quantity of the higher crop year of 1998 and 1999 of the apple operation before the application is complete.

(d) The apple operation requesting benefits under this subpart must certify with respect to the accuracy and truthfulness of the information provided in their application for benefits. All information provided is subject to verification and spot checks by CCC. Refusal to allow CCC or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 1470.5 Eligibility.

(a) To be eligible to receive cash payment under this subpart, an apple operation must:

(1) Have produced apples in the United States anytime during the 1998 and/or 1999 crop year;

(2) Not have been compensated for the same market loss by any other Federal programs, except an indemnity provided under a policy or plan or insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501).

(3) Apply for payments during the application period.

(b) Payments may be made for losses suffered by an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the application for payment. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

(c) An apple operation must submit a timely application and comply with all other terms and conditions of this subpart and instructions issued by CCC, as well as comply with those instructions that are otherwise contained in the application to be eligible for benefits under this subpart.

§ 1470.6 Proof of production.

(a) Apple operations selected for spot-checks by CCC must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof of the apples produced during the 1998 and/or 1999 crop year to verify the higher year of production. The documentary evidence of apple production claimed for payment shall be reported to CCC together with any supporting documentation under paragraph (b) of this section. The pounds of 1998 or 1999 crop year production must be documented using actual records developed at the time of production.

(b) All persons involved in an apple operation producing apples during the 1998 or 1999 crop year shall provide any available supporting documents to assist the county FSA office in verifying the operation's apple production indicated on Form CCC–891. Examples of supporting documentation include, but are not limited to: picking, packout, and payroll records, RMA records, sales documents, copies of receipts, ledgers of income, or any other documents available to confirm the production and production history of the apple operation. In the event that supporting documentation is not presented to the county FSA office requesting the information, the apple operation will be determined ineligible for benefits.

§ 1470.7 Availability of funds.

The total available program funds shall be $99.78 million as provided by Section 811 of Public Law 106–387 and amended by Section 1403 of Public Law 106–554.

§ 1470.8 Applicant payment quantity.

(a) The applicant's payment quantity of apples will be determined by the CCC, based on the higher production of 1998 or 1999 crop of apples that was produced by each operation, as selected by the apple operation.

(b) The maximum quantity of the 1998 or 1999 crop of apples for which producers are eligible for a payment for an operation under this subpart shall be 1,600,000 pounds.

§ 1470.9 Payment rate and apple operation payment.

(a) Payments under this subpart may be made to apple operations only up to 1,600,000 pounds of apples produced in the United States during the higher production year of 1998 or 1999. A payment rate will be determined after the conclusion of the application period, and shall be calculated by:

(1) Totaling the higher production of the eligible quantity (not to exceed 1,600,000 pounds) of apples produced from the 1998 or 1999 crop year from all approved applications; and

(2) Dividing the amount available for the Apple Market Loss Assistance Payment program by the total pounds of eligible production submitted and approved for payment (the quantity determined under paragraph (a)(1) of this section).

(b) Each apple operation payment will be calculated by multiplying the payment rate determined in paragraph (a) of this section by the apple operation's eligible production.

(c) In the event that approval of all eligible applications would result in expenditures in excess of the amount available, CCC shall reduce the payment rate in such manner as CCC, in its sole discretion, finds fair and reasonable.

§ 1470.10 Offsets.

(a) Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against an operation, an operation's apple production, or proceeds thereof, in favor of the producer or any other creditors, including agencies of the U.S. Government.

(b) Payments received by an apple operation under this part are not subject to administrative offsets or withholdings, including administrative offset under chapter 37 of title 31, United States Code, as provided by Public Law 106–387.

(c) The regulations governing offsets and withholdings found at 7 CFR Part 1403 shall not be applicable to this part.

§ 1470.11 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 1470.12 Misrepresentation and scheme or device.

(a) An apple operation shall be ineligible to receive assistance under this program if it is determined by the State committee or the county committee to have knowingly:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a determination under this program. CCC will notify the appropriate investigating agencies of the United States and take steps deemed necessary to protect the interests of the government.

(b) Any funds disbursed pursuant to this part to any person or operation engaged in a misrepresentation, scheme, or device, shall be refunded to CCC, with interest together with such other sums as may become due. Any apple operation or person engaged in acts prohibited by this section and any apple operation or person receiving payment under this part shall be jointly and severally liable with other persons or operations involved in such claim for benefits for any refund due under this section and for related charges. The remedies provided in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 1470.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible for assistance under this part must also:

(1) Establish that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) Show that a guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) Furnish a bond under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1470.14 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a person that is eligible to receive benefits in accordance with this part, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by CCC.

§ 1470.15 Maintaining records.

Apple operations making application for benefits under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein, as may be requested by CCC. Such records and accounts must be retained for 3 years after the date of payment to the apple operation under this program. Such records shall be available at all reasonable times for an audit or inspection by authorized representatives of CCC, United States Department of Agriculture, or the Comptroller General of the United States. Failure to keep, or make available, such records may result in refund to CCC of all payments received plus interest thereon, as determined by CCC. Nothing in this section, shall, however, authorize the destruction of any records where there is an on-going dispute or where the party involved has reason to know that such records remain material to the operation of the program. Destruction of the records after such date shall be at the risk of the party undertaking the destruction.

§ 1470.16 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application, or this part, and if any refund of a payment to CCC shall otherwise become due in connection with the application, or this part, all payments made under this part to any apple operation shall be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this title.

(b) All persons signing an apple operation's application for payment as having an interest in the operation shall be jointly and severally liable for any refund, including related charges, that is determined to be due for any reason under the terms and conditions of the application or this part with respect to such operation.

(c) Interest shall be applicable to refunds required of any person under this part if CCC determines that payments or other assistance was provided to a person who was not eligible for such assistance. Such interest shall be charged at the rate of interest that the United States Treasury charges the CCC for funds, from the date CCC made such benefits available to the date of repayment or the date interest increases as determined in accordance with applicable regulations. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the person.

(d) Interest determined in accordance with paragraph (c) of this section may be waived at the discretion of CCC alone for refunds resulting from those violations determined by CCC to have been beyond the control of the person committing the violation.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in, 7 CFR part 1403.

(f) Any excess payments made by CCC with respect to any application under this part must be refunded.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any person, the benefit must be repaid with any applicable interest.

Signed in Washington, D.C., on March 1, 2001.

Diane Sharp,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–5491 Filed 3–5–01; 4:58 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 00F–0175]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Natamycin (Pimaricin)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of natamycin on cheese. This action is in response to a petition filed by Cultor Food Science, Inc.; DSM Food Specialities; and Protein Technologies International.

DATES: This rule is effective March 8, 2001. Submit written objections and requests for a hearing by April 9, 2001. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 172.155(c), as of March 8, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–001, 202–418–3095.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 24, 2000 (65 FR 3719), FDA announced that a food additive petition (FAP 0A4704) had been filed by Cultor Food Science, Inc., 430 Saw Mill River Rd., Ardsley, NY 10502; DSM Food Specialties, 700 American Ave., suite 300, King of Prussia, PA 19406; and Protein Technologies International, Checkerboard Square, St. Louis, MO 63164. The petitioners proposed that the food additive regulations in § 172.155 *Natamycin (pimaricin)* (21 CFR 172.155) be amended by listing only the use level of natamycin permitted in cheese and by eliminating the reference for the method of application.

Natamycin is currently approved in § 172.155 for use as an antimycotic agent on the surface of cuts and slices of cheese(s). Under the current regulation, natamycin may be applied to the surface of cuts and slices of cheese to inhibit mold spoilage with the following limitations: (1) The additive may be applied as a dry mix containing the additive and safe and suitable anticaking agents, resulting in no more than 20 parts per million (ppm) of the additive in the finished product, or by dipping or spraying, using an aqueous solution containing 200 to 300 ppm of the additive; (2) the additive may be applied to the surface of those cuts and slices of cheese(s) listed in part 133 (21 CFR part 133) only if the cheese standards provide for the use of ''safe and suitable'' mold-inhibiting ingredients.

The agency is revoking the limitations on the application of natamycin to the surface of cuts and slices of cheese in § 172.155(c)(1) and (c)(2), and is revising § 172.155(c) to set forth a limitation for the amount of natamycin on cheese that may remain in the finished product, regardless of the method of application.

The agency is setting forth a test method in revised § 172.155(c) that will ensure that natamycin does not exceed 20 milligrams per kilogram (20 ppm) in the finished product. This limitation will not restrict the process of application of natamycin to cheese nor the physical form (e.g., cuts, slices, or grated) of the cheese to which natamycin may be applied. The agency has concluded that the dietary exposure to natamycin will not change as a result of the use of the new test method for the application of natamycin to cheese and new physical forms of cheese to which natamycin may be applied. Further, because of the existing limitation in part 133 for when ''safe and suitable'' mold inhibiting ingredients, such as natamycin, may be used in cheese, the agency has determined that repeating such limitations in § 172.155 is not necessary. Therefore, omitting the previous limitation in § 172.155(c)(2) from revised § 172.155(c) does not change the varieties of cheeses in which natamycin may be used. Consequently, because the dietary exposure to natamycin in cheese remains the same as considered in the previous safety assessment for § 177.155(c)(1) and (c)(2), no new safety issues are raised and no new safety evaluation is needed for this rule.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 0A4704. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by April 9, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch

between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.155 is amended by revising paragraph (c) to read as follows:

§ 172.155 Natamycin (pimaricin).

* * * * *

(c) The additive may be applied on cheese, as an antimycotic, in amounts not to exceed 20 milligrams per kilogram (20 parts per million) in the finished product as determined by International Dairy Federation (IDF) Standard 140A:1992, ''Cheese and Cheese Rind–Determination of Natamycin Content–Method by Molecular Absorption Spectrometry and by High-Performance Liquid Chromatography,'' which is incorporated by reference. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Product Policy (HFS–206), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: February 9, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–5612 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for Moorman Manufacturing Co.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: Moorman Manufacturing Co., Quincy, IL 62301, has informed FDA of a change of name and address to MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the changes.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for ''Moorman Manufacturing Co.'' and adding a new entry in alphabetical order and in the table in paragraph (c)(2) by revising the entry for ''021930'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115	021930
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
021930	MoorMan's, Inc., 1000 North 30th St., Quincy, IL 62305–3115
* * * * * * *	

Dated: February 8, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5682 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Clindamycin Hydrochloride Liquid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The supplemental ANADA provides for oral use of clindamycin hydrochloride liquid for treatment of soft tissue and dental infections in cats.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0212.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457, filed a supplement to approved ANADA 200–193 for Clindamycin Hydrochloride Oral Liquid. The supplemental ANADA provides for use of clindamycin hydrochloride liquid for treatment of soft tissue and dental infections in cats caused by or associated with susceptible strains of certain bacterial species. The supplemental application is approved as of December 27, 2000, and the regulations are amended in 21 CFR 520.447 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.447 [Amended]

2. Section 520.447 *Clindamycin hydrochloride liquid* is amended in paragraph (b) in the first sentence by removing ''No. 000009'' and adding in its place ''Nos. 000009 and 059130'' and by removing the second sentence.

Dated: January 30, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5683 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Milbemycin Oxime Solution

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The supplemental NADA provides for veterinary prescription use of milbemycin oxime solution to treat ear mite infestations in cats and kittens 4 weeks of age and older and for a repeat treatment, if necessary.

DATES: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Novartis Animal Health US, Inc., 3200 Northline Ave., suite 300, Greensboro, NC 27408, filed a supplement to approved NADA 141–163 that provides for the veterinary prescription use of Milbemite ™ Otic Solution (0.1% milbemycin oxime) for the treatment of ear mite infestations in cats and kittens. The supplemental NADA provides for reducing the lower age limit from 8 weeks of age to 4 weeks of age and for repeating treatment one time, if necessary. The NADA is approved as of December 13, 2000, and the regulations are amended in 21 CFR 524.1446 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning December 13, 2000, because the application contains substantial evidence of effectiveness of the drug involved or any studies of animal safety required for approval of the application and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1446 [Amended]

2. Section 524.1446 *Milbemycin oxime solution* is amended in paragraph (c)(1) by removing ''as a single treatment'' and in paragraph (c)(2) in the first sentence by removing ''8'' and adding in its place ''4''.

Dated: January 5, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5684 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[T.D. ATF–444]

RIN 1512–AC24

Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule eliminates ATF on-site supervision of tobacco products and cigarette papers and tubes of Puerto Rican manufacture that are shipped from Puerto Rico to the United States and related ATF forms. Specifically, this temporary rule eliminates the requirements that persons who ship such articles notify ATF prior to the shipment and that an ATF officer inspects, certifies that the amount of tax on such articles has been calculated correctly for, and releases, each shipment. Consequently, four ATF forms are eliminated. However, this rule requires that persons who ship such articles maintain records so that the amount of tax is calculated and recorded for ATF audit and examination. Also, this temporary rule revises certain sections to simplify and clarify and corrects a few typographical errors. In the Proposed Rules section of this **Federal Register**, ATF is also issuing a notice of proposed rulemaking inviting comments on this temporary rule for a 60-day period following the publication of this temporary rule.

EFFECTIVE DATE: This rule is effective March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (telephone 202–927–8210 or e-mail to alctob@atfhq.atf.treas.gov).

SUPPLEMENTARY INFORMATION:

Background

Elimination of On-Site Supervision and Forms

ATF is eliminating the on-site supervision of, and ATF forms for, shipments of tobacco products and cigarette papers and tubes of Puerto Rican manufacture from Puerto Rico to the United States. ATF believes that the elimination of this supervision and these ATF forms will benefit the companies involved with such shipments and the Government.

ATF has discussed the proposed changes with the three companies in Puerto Rico who currently ship Puerto Rican tobacco products from Puerto Rico to the United States. All of the companies were in favor of eliminating the on-site ATF supervision of shipments of Puerto Rican tobacco products and cigarette papers and tubes from Puerto Rico to the United States. In addition, all of the companies reported that they were ready to use commercial records immediately to replace the ATF forms 2987(5210.8) and 3075(5200.9). The replacement of these ATF forms with commercial records would not be an additional burden since the ATF forms repeat much of the information contained in the companies' commercial records. In fact, it would eliminate the time spent in preparing, distributing and maintaining these ATF forms and arranging for ATF personnel to supervise each shipment.

This temporary rule allows greater flexibility and choice in managing the limited resources of the Bureau. ATF now conducts audits of the commercial records of companies who ship Puerto Rican tobacco products or cigarette papers and tubes from Puerto Rico to the United States. This temporary rule eliminates the requirement that ATF personnel be present at a particular place and time to inspect and certify each shipment. In addition, this temporary rule relieves the Bureau from the costs associated with revising, printing, stocking and distributing the four ATF forms related to shipments of such products from Puerto Rico to the United States.

In addition, this temporary rule eliminates the requirement that an ATF officer prepare a certificate (ATF Forms 2989 and 3074) for each shipment of Puerto Rican tobacco products or cigarette papers or tubes. These certificates are affixed to the outside of the package of each container and state that the United States tax has been paid. We believe that these certificates are not necessary to protect the revenue and do not improve compliance with the Federal excise tax on tobacco products and cigarette papers and tubes. For commercial shipments, the records maintained by the manufacturer or shipper may be examined by an appropriate ATF officer to determine that the tax has been paid. In the case of noncommercial mail shipments, an appropriate ATF officer may request ATF Form 5000.25, Excise Tax Return—Alcohol and Tobacco (Puerto Rico), from the taxpayer as evidence that the tax has been paid.

Delegations

In the sections of the regulations that are affected by this document, we have removed references to specific ATF officers with whom an ATF Form is filed. The instructions on the ATF form specify the ATF officer with whom the ATF form is filed. Also, we changed ''ATF officer'' in § 275.106(b) to read ''appropriate ATF officer''. The ''appropriate ATF officer'' is specified in a delegation order, ATF O 1130.16A. Conforming changes for referencing this ATF order have also been made in this document. The titles of ATF officials in the sections of this part which are not revised by this temporary rule will be updated by a future technical amendment.

Other Changes

Whenever possible, we tried to simplify and clarify the format and language of the particular sections involved. For example, we revised § 275.121 by revising its language and used a chart to explain some of its requirements. Also, we have made a conforming and clarifying addition to the definition of ''records'' in § 275.11. This addition will ensure that persons in Puerto Rico who ship Puerto Rican tobacco products or cigarette papers or

tubes from Puerto Rico to the United States prepare and maintain appropriate records of each shipment. In addition, we have removed the reference to the ATF official and the requirement that ATF Form 5000.25 be filed in duplicate in the first sentence of § 275.105 from ''repay'' to ''prepay'' and the references to the ATF form number in section 275.114.

Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply. A copy of this temporary rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will not: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Paperwork Reduction Act

The collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)), and pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control numbers 1512–0560. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The collection of information in this document is found in 27 CFR §§ 275.106, 275.110 and 275.121(b). This information ensures that the excise tax on Puerto Rican tobacco products and cigarette papers and tubes shipped from Puerto Rico to the United States is properly determined and recorded and that bond coverage, if applicable, is sufficient.

For further information concerning this collection of information, and where to submit comments on the collection of information, refer to the preamble of the cross-referenced notice of proposed rulemaking published in the proposed rules section of this **Federal Register**.

''Plain Language'' Changes

During the revision of the regulations in this document, we also tried to simplify and clarify the language of the affected regulations. Any suggestions for improving the readability of these regulations may be submitted as comments to the cross-referenced notice of proposed rulemaking.

Administrative Procedure Act

We find that there is good cause for issuing this temporary rule without prior notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation under 5 U.S.C. 553(d). This document will relieve the burden on companies in Puerto Rico by eliminating the requirement that ATF personnel inspect and supervise each shipment of Puerto Rican tobacco products or cigarette papers and tubes from Puerto Rico to the United States. This document also eliminates two ATF forms that companies in Puerto Rico were required to prepare for ATF personnel to inspect and supervise such shipments and two ATF forms that ATF personnel were required to execute for each shipment.

Drafting Information

The principal author of this document is Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Paragraph 1. The authority citation for part 275 is revised to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.11 [Amended]

Par. 2. The definition of ''Appropriate ATF officer'' in § 275.11 is amended by the adding the capital letter ''A'' at the end of the numbers ''1130.16''.

Par. 3. Paragraphs (1), (3)(i) and (3)(ii) of the definition of ''Records'' in § 275.11 are amended by adding the phrases ''or shipment into the United States from Puerto Rico'' after the word ''importation''.

§ 275.29 [Amended]

Par. 4. Section 275.29 is amended by removing the numbers ''1130.15'' each place it appears and adding, in substitution, the numbers ''1130.16A''.

Par. 5. Section 275.105 is revised to read as follows:

§ 275.105 Prepayment of tax.

To prepay, in Puerto Rico, the internal revenue tax imposed by 26 U.S.C. 7652(a), on tobacco products and cigarette paper and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper must file, or cause to be filed, a tax return, ATF Form 5000.25, with full remittance of tax which will become due on such tobacco products and cigarette papers and tubes.

* * * * *

Par. 6. Section 275.106 is revised to read as follows:

§ 275.106 Examination and record of shipment by taxpayer.

(a) *Shipments other than noncommercial mail shipment.* The taxpayer will ensure that the tax has been prepaid on the tobacco products and cigarette papers and tubes in each shipment. The taxpayer will identify the tobacco products or cigarette papers or tubes on the bill of lading or similar record to accompany the shipment with the following information:

(1) The marks and numbers on shipping containers;

(2) The number of containers;

(3) The kind of taxable article and the rate of tax, as specified by 275.30 through 275.35;

(4) The number of small cigarettes, large cigarettes or small cigars to be shipped;

(5) The number and total sale price of large cigars with a price of not more than $235.294 per thousand to be shipped;

(6) The number of large cigars with a sale price of more than $235.294 per thousand to be shipped;

(7) The pounds and ounces of chewing tobacco or snuff to be shipped;

(8) The pounds and ounces of pipe tobacco or roll-your-own tobacco to be shipped;

(9) The number of cigarette papers or tubes to be shipped;

(10) The amount of the tax paid on such articles under the provisions of this subpart; and

(11) The name and address of the consignee in the United States to whom such products are being shipped. The taxpayer will note such bills of lading or similar records to identify the particular ATF Form 5000.25 on which taxes have been prepaid.

(b) *Noncommercial mail shipments.* Noncommercial mail shipments of tobacco products and cigarette papers and tubes to the United States are exempt from the provisions of paragraph (a) of this section, except that the taxpayer will provide a copy of the ATF Form 5000.25 upon request of an appropriate ATF officer.

(Approved by the Office of Management and Budget under control number 1512–0560)

Par. 7. Section 275.110 is revised to read as follows:

§ 275.110 Record of tax computation and shipment by bonded manufacturer under deferred taxpayment.

Where tobacco products or cigarette papers or tubes are to be shipped to the United States involving deferred taxpayment, the bonded manufacturer must calculate the tax from the information contained in the bill of lading or a similar record. The bonded manufacturer will identify each shipment on such record with the following information:

(a) The marks and numbers on shipping containers;

(b) The number of containers;

(c) The kind of taxable article and the rate of tax as specified in 275.30 through 275.35;

(d) The number of small cigarettes, large cigarettes or small cigars to shipped;

(e) The number and total sale price of large cigars with a price of not more than $235.294 per thousand to be shipped;

(f) The number of large cigars with a sale price of more than $235.294 per thousand to be shipped;

(g) The pounds and ounces of chewing tobacco or snuff to be shipped;

(h) The pounds and ounces of pipe tobacco or roll-your-own tobacco to be shipped;

(i) The number of cigarette papers or tubes;

(j) The amount of the tax to be paid on such articles under the provisions of this subpart; and

(k) The name and address of the consignee in the United States to whom such products are being shipped. The date of completing such record will be treated as the date of computation of the tax. Tobacco products or cigarette papers or tubes may be shipped to the United States in accordance with the provisions of this section only after computation of the tax.

(Approved by the Office of Management and Budget under control number 1512–0560)

Par. 8. Section 275.111 is revised to read as follows:

§ 275.111 Agreement to Pay Tax.

Upon shipment of tobacco products and cigarette papers or tubes the bonded manufacturer agrees:

(a) To pay the tax on the shipment;

(b) That there is no default in payment of tax chargeable against the manufacturer's bond on ATF Form 2986 (5210.12); and

(c) That the amount of the manufacturer's bond is sufficient or in the maximum penal sum to cover the tax due on the shipment.

§ 275.114 [Amended]

Par. 9. Paragraphs (b)(1) and (b)(2) of § 275.114 are amended by removing the numbers ''5000.24'' each place that they appear and adding, in substitution, the numbers ''5000.25''.

Par. 10. Section 275.121 is revised to read as follows:

§ 275.121 Amount and Account of bond.

(a) *Bond amount.* Except for the maximum and minimum amounts stated in this paragraph, the total amount of the bond or bonds for tobacco products or cigarette papers or tubes under the provisions of this subpart must be in an amount not less than the amount of unpaid tax chargeable at any one time against the bond. A manufacturer who will defer payment of tax for a shipment of tobacco products or cigarette papers or tubes under the provisions of this subpart must have sufficient credit in this account to cover the taxes prior to making the shipment to the United States. The maximum and minimum amounts of such bond or bonds are as follows:

Taxable article	Bond amount maximum	Bond amount minimum
(1) Cigarettes	$250,000	$1,000
(2) Any combination of taxable articles	250,000	1,000
(3) One kind of taxable article other than cigarettes	150,000	1,000

(b) *Bond Account.* Where the amount of a bonded manufacturer's bond is less than the maximum amount prescribed in paragraph (a) of this section, a bonded manufacturer must maintain an account reflecting all outstanding taxes with which the manufacturer's bond is chargeable. A manufacturer must debit such account with the amount of tax that was agreed to be paid under § 275.111 or is otherwise chargeable against such bond and then must credit the account for the amount paid on Form 5000.25 or other ATF-prescribed document, at the time it is filed.

(Approved by the Office of Management and Budget under control number 1512–0560)

Signed: February 5, 2001.

Bradley A. Buckles,

Director.

Approved: February 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5424 Filed 3–8–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–01–024]

RIN 2115–AA97

Safety Zone: Fore River Bridge Repairs—Weymouth, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

the Fore River (Route 3A) Bridge Repairs, starting February 21 and lasting until December 31, 2001, in Weymouth, MA. The safety zone is to ensure the safe operation of a fifty-five (55) foot wide crane barge underneath the Fore River Bridge in order to conduct repair operations, Monday through Saturday of each week in the effective time period and is necessary to protect maritime traffic in the area of the safety zone. The safety zone prevents vessels from approaching within thirty (30) feet of the barge.

DATES: This rule is effective from February 21 until December 31, 2001.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Dave Sherry, Marine Safety Office Boston, Waterways Management Division, at (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Discussions were held with all interests most likely to be affected by this safety zone. These include Massachusetts Highway Department, TMC, Weymouth Fore River operators, barge and ferry companies, Massachusetts Coastal Zone Management, and recreational boater representatives. These interests agree that the parameters of the zone will not unduly impair business and unscheduled operations or transits of vessels. Therefore, notice and comment is unnecessary. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public interest since immediate action is needed to protect marine traffic from bridge construction hazards while transiting a portion of the Fore River, Weymouth, Massachusetts, during the Fore River Bridge repair. This safety zone should have minimal impact on vessel transits due to the fact that the safety zone does not block the entire channel, procedures have been established for the movement of the construction barge should larger vessels that are unable to transit around the barge while in the channel need to transit the area, and advanced notice will be given through marine broadcasts.

Background and Purpose

The safety zone allows The Middlesex Corporation (TMC) to place its fifty-five (55) foot wide crane barge in the Fore River underneath the Fore River Bridge to conduct repair operations, Monday through Saturday of each week from February 21 through December 31, 2001. It also prevents vessels from approaching within thirty (30) feet of the barge. On August 7, 2000, December 4 and 20, 2000, and January 8, 2001 the Coast Guard hosted planning meetings with Massachusetts Highway Department, TMC, Weymouth Fore River operators, barge and ferry companies, Massachusetts Coastal Zone Management, and recreational boater representatives. The meetings explored bridge repair options, and on February 12, 2001 a final group consensus was achieved on which this rule is based. Most marine traffic may transit safely outside of the safety zone during the repairs. In the event a large vessel should need to transit the channel, the TMC barge shall move upon request. Requests to move the barge should be made directly to TMC at 781–665–3261 with as much advance notice as possible (at least 8 hours is preferred). The Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via safety marine information broadcasts.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this regulation prevents traffic from transiting a portion of the Weymouth Fore River during this event, the effect of this regulation will not be significant for several reasons: maritime interests, which frequently use the channel, have provided input into the scheduling of the bridge repairs, the safety zone does not block the entire channel, advanced notice will be given through marine broadcasts, and the construction barge will be required to move upon request for larger vessels unable to transit around it while in the channel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Weymouth Fore River between February 21 and December 31, 2001. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone does not block the entire channel, advanced notice will be given through marine broadcasts, and the construction barge will be required to move upon request for larger vessels unable to transit around it while in the channel.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630,

Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.

2. Add temporary section 165.T01–024 to read as follows:

§ 165.T01–024 Safety Zone: Fore River Bridge Repairs—Weymouth, Massachusetts.

(a) *Location.* The following area is a safety zone:

All waters of Boston Inner Harbor within a thirty (30) foot radius of the TMC construction barge located under the Fore River Bridge.

(b) *Effective Date.* This section is effective from February 21 until December 31, 2001.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: February 20, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 01–5602 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego, CA; 01–002]

RIN 2115–AA97

Safety Zone: Mission Bay, San Diego, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the channel entrances to Mission Bay, San Diego, CA. This safety zone has been established to safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within this zone as weather and navigation conditions permit.

DATES: This temporary rule becomes effective at 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and announce the fact via Broadcast Notice to Mariners.

ADDRESSES: Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064.

FOR FURTHER INFORMATION CONTACT: Petty Officer Nicole Lavorgna, USCG, c/o U.S Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a notice of proposed rule making (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to the public interest because emergency weather and navigation conditions require the immediate closure of this area.

Discussion of Regulation

This safety zone is necessary to safeguard vessels from severe swell and waves that are being encountered at the channel entrances to Mission Bay. The safety zone is established to restrict vessels from capsizing, grounding, and other navigational mishaps that may occur due to severe weather and navigation conditions currently being encountered at the channel entrance to Mission Bay. Entry into, transiting through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port. The safety zone will be in place from 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. The safety zone runs through mid April because past weather trends indicate sporadic harsh weather through this date. The safety zone will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of implementation for the safety zone, and because commercial traffic will have an opportunity to request authorization to transit, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. § 601 et seq), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include small businesses and not-for-profit

organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. § 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance For Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Petty Officer Nicole Lavorgna, U.S. Coast Guard Marine Safety Office San Diego at (619) 683–6495.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq).

Federalism

The Coast Guard has analyzed this temporary regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2–1, paragraph (34)(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this temporary final rule and reached the following conclusions:

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

Executive Order 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

Executive Order 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This Rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new § 165.T11–030 is added to read as follows:

§ 165.T11–030 Safety zone: mission bay, San Diego, CA.

(a) *Location.* This safety zone consists of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty.

(b) *Effective Date.* This section is effective at 8 a.m. (PST) on February 21, 2001, and runs until 8 p.m. (PST) on April 15, 2001. If the Mission Bay closure reopens prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative.

Dated: February 21, 2001.

J.M. Farley,

Commander, U.S. Coast Guard, Captain of the Port, San Diego.

[FR Doc. 01–5600 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans

CFR Correction

In Title 40 of the Code of Federal Regulations, Part 52 (§ 52.1019 to end), revised as of July 1, 2000, on page 460, § 52.2026 is corrected by removing the introductory sentence, and removing and reserving paragraphs (a) and (b).

[FR Doc. 01–55506 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 422

Medicare + Choice Program

CFR Correction

In Title 42 of the Code of Federal Regulations, parts 400 to 429, revised as of Oct. 1, 2000, in part 422, on page 777, § 422.156 is corrected by correctly revising paragraph (e)(1) to read as follows:

§ 422.156 Compliance deemed on the basis of accreditation.

* * * * *

(e) * * *

(1) HCFA determines, on the basis of its own investigation, that the M+C organization does not meet the Medicare requirements for which deemed status was granted.

* * * * *

[FR Doc. C1–55504 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–530, MM Docket No. 00–241, RM–9968]

Digital Television Broadcast Service; Hastings, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of the Nebraska Educational Telecommunications Commission, licensee of noncommercial educational station KHNE(TV), substitutes DTV channel *28 for DTV channel *14 at Hastings, Nebraska. *See* 65 FR 76206, December 6, 2000. DTV channel *28 can be allotted to Hastings in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (40–46–20 N. and 98–05–21 W.) with a power of 200, HAAT of 366 meters and with a DTV service population of 221 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–241, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Nebraska, is amended by removing DTV channel *14 and adding DTV channel *28 at Hastings.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5729 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–531, MM Docket No. 00–243, RM–9981]

Digital Television Broadcast Service; Orono, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Maine Public Broadcasting Corporation, licensee of noncommercial educational station WMEB–TV, substitutes DTV channel *9 for DTV channel *22 at Orono, Maine. *See* 65 FR 76207, December 6, 2000. DTV channel *9 can be allotted to Orono in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (44–42–13 N. and 69–04–47 W.) with a power of 15.0, HAAT of 375 meters and with a DTV service population of 448 thousand. Since Orono is located within 400 kilometers of the U.S.-Canadian border, concurrence by the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–243, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Maine, is amended by removing DTV channel *22 and adding DTV channel *9 at Orono.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5728 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–529, MM Docket No. 00–242, RM–9998]

Digital Television Broadcast Service; Weston, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Withers Broadcasting Company of West Virginia, licensee of station WDTV(TV), substitutes DTV channel 6 for DTV channel 58 at Weston, West Virginia. *See* 65 FR 7206, December 12, 2000. DTV channel 6 can be allotted to Weston in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (39–04–29 N. and 80–25–28 W.) with a power of 10.0, HAAT of 253 meters and with a DTV service population of 501 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–242, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under West Virginia, is amended by removing DTV channel 58 and adding DTV channel 6 at Weston.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5727 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–532, MM Docket No. 00–234, RM–9999]

Digital Television Broadcast Service; Reno, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Broadcast Development Corporation, licensee of station KAME–TV, substitutes DTV channel 20 for DTV channel 22 at Reno, Nevada. *See* 65 FR 71080, November 29, 2000. DTV channel 20 can be allotted to Reno in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (39–35–04 N. and 119–47–51 W.) with a power of 50.0, HAAT of 189 meters and with a DTV service population of 281 thousand. With this action, this proceeding is terminated.

DATES: Effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–234, adopted March 5, 2001, and released March 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Nevada, is amended by removing DTV channel 22 and adding DTV channel 20 at Reno.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–5726 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ACQUISITION REGULATION

48 CFR Part 19

Small Business Programs

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 1 (Parts 1 to 51), revised as of Oct. 1, 2000, in part 19, § 19.101 is corrected by moving paragraph (g)(5) which appears at the end of the section on page 328, and inserting it above ''Annual receipts'' on page 327.

[FR Doc. C1–55505 Filed 3–7–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000331092–0315–02; I.D. 030100F]

RIN 0648–AM42

Fisheries in the Exclusive Economic Zone Off Alaska; License Limitation Program for the Scallop Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects regulatory text in the final rule that implements a license limitation program for the scallop fishery, which was published in the **Federal Register** on December 14, 2000.

DATES: Effective January 16, 2001.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on December 14, 2000 (65 FR 78110), to implement a license limitation program for the scallop fishery. The regulatory text portion of the final rule describing the procedure for transfer of a scallop license incorrectly listed the social security number as required information.

Correction

In the final rule to implement a license limitation program for the scallop fishery, published at 65 FR 78110, December 14, 2000, FR Doc. 00–31649, the following corrections are made:

1. On page 78118, column one, § 679.4(g)(5)(iii)(A) is correctly revised to read as follows:

§ 679.4 Permits.

* * * * *

(g) * * *

(5) * * *

(iii) * * *

(A) Name, business address, telephone number, and FAX number of the license holder and of the designated transferee;

* * * * *

Dated: March 1, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service

[FR Doc. 01–5760 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–48–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 205A–1, 205B, 212, 412, 412EP, and 412CF 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 Bell Helicopter Textron, Inc. (BHTI) Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters. The AD would require removing each existing tail rotor counterweight bellcrank (bellcrank) retention nut (retention nut), replacing each retention nut with a zero hours time-in-service (TIS) retention nut; and follow-up inspections of installed retention nuts. This proposal is prompted by an in-flight loss of a bellcrank due to failure of the retention nut. The actions specified by the proposed AD are intended to prevent failure of the retention nut, which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 7, 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–48–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 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5447, fax (817) 222–5783.

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–48–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–48–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new AD for BHTI Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters. The document proposes to require:

- Removing the two existing retention nuts within 100 hours TIS or 90 days, whichever occurs first;
- Installing a retention nut, part number MS14145L6 or MS17826–6, which are limited to a one-time installation;
- Inspecting the corrosion preventive compound (CPC) coating of the retention nut for deficiencies;
- Inspecting the retention nut for corrosion, mechanical damage, a crack, or looseness; and
- Replacing each retention nut, when necessary.

This proposal is prompted by an in-flight loss of a bellcrank due to failure of the retention nut. The actions specified by the proposed AD are intended to prevent failure of the retention nut, which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter

The FAA has reviewed the following BHTI Alert Service Bulletins, which describe procedures for installing, inspecting, and replacing the retention nut:

- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 205–00–77, Revision A, dated September 13, 2000, which is applicable to Model 205A–1 helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 205B–00–31, Revision A, dated September 13, 2000, which is applicable to Model 205B helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 212–00–107, Revision A, dated September 13, 2000, which is applicable to Model 212 helicopters;
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 412–00–102, Revision A, dated September 13, 2000, which is applicable to Model 412 and Model 412EP helicopters; and
- Bell Helicopter Textron, Inc. Alert Service Bulletin No. 412CF–00–10,

Revision A, dated September 13, 2000, which is applicable to Model 412CF helicopters.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters of the same type design, the proposed AD would require:

• Removing the two existing retention nuts within 100 hours TIS or 90 days, whichever occurs first;

• Installing a retention nut, part number MS14145L6 or MS17826–6, which are limited to a one-time installation;

• Inspecting the CPC coating of the retention nut for deficiencies;

• Inspecting the retention nut for corrosion, mechanical damage, a crack, or looseness; and

• Replacing each retention nut, when necessary.

The actions would be required to be accomplished in accordance with the applicable alert service bulletins described previously.

The FAA estimates that 423 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 2.5 work hours per helicopter to replace each retention nut, and 0.5 work hour to inspect each retention nut once, and that the average labor rate is $60 per work hour. Required parts would cost approximately $7 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $155,241 to replace the retention nuts and inspect them once.

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:

Bell Helicopter Textron, Inc.: Docket No. 2000–SW–48–AD.

Applicability: Model 205A–1, 205B, 212, 412, 412EP, and 412CF 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 (f) 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 as indicated, unless accomplished previously.

To prevent failure of the tail rotor counterweight bellcrank (bellcrank) retention nut (retention nut), which could result in the bellcrank migrating off the crosshead spindle, loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) For Model 205A–1 helicopters:

(1) Within 100 hours time-in-service (TIS) or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, part number (P/N) 212–010–709–001 or 212–011–705–001, and install zero hours TIS retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. Alert Service Bulletin (ASB) 205–00–77, Revision A, September 13, 2000 (205A–1 ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (a)(1) of this AD, inspect the retention nuts and corrosion preventive compound (CPC) coating in accordance with paragraph (6) of the Accomplishment Instructions of the 205A–1 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(b) For Model 205B helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 205B–00–31, Revision A, dated September 13, 2000 (205B ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (b)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 205B ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(c) For Model 212 helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–010–709–001 or 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. Alert Service Bulletin 212–00–107, Revision A, dated September 13, 2000 (212 ASB). A used retention nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (c)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 212 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new nut before further flight.

(d) For Model 412 or 412EP helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 412–00–102, Revision A, dated September 13, 2000 (412 ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (d)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 412 ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new retention nut before further flight.

(e) For Model 412CF helicopters:

(1) Within 100 hours TIS or 90 days after the effective date of this AD, whichever occurs first, remove the two existing retention nuts retaining the bellcranks, P/N 212–011–705–001, and install retention nuts, P/N MS14145L6 or MS17826–6, in accordance with paragraphs (1) through (5) of the Accomplishment Instructions in Bell Helicopter Textron, Inc. ASB 412CF–00–10, Revision A, September 13, 2000 (412CF ASB). A used nut may not be installed.

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (e)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 412CF ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new nut before further flight.

(f) 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, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

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

(g) 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 28, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–5658 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–2001–9054]

RIN 2105–AC75

Extension of Computer Reservations Systems (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to revise its rules governing airline computer reservations systems (CRSs) by changing the rules' expiration date from March 31, 2001, to March 31, 2002. If the expiration date is not changed, the rules will terminate on March 31, 2001. The proposed extension of the current rules will keep them in effect while the Department carries out its reexamination of the need for CRS regulations. The Department has tentatively concluded that the current rules should be maintained because they appear to be necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The rules were previously extended from December 31, 1997, to March 31, 1999, then to March 31, 2000, and then to March 31, 2001.

DATES: Comments must be submitted on or before March 19, 2001. Late filed comments will be considered to the extent possible.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2001–9054) by only one of the following means:

(1) By mail to the Docket Management Facility, US Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov. Comments must be filed in Docket OST–2001–9054.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

Electronic Access: You can view and download this document by going to the webpage of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on ''search.'' On the next page, type in the last four digits of the docket number shown on the first page of this document. Then click on ''search.'' An electronic copy of this document also may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara/ index.html.*

SUPPLEMENTARY INFORMATION: In 1992 the Department adopted its rules governing CRS operations, 14 CFR Part 255, because almost all airlines operating in the United States relied on the CRSs in marketing their airline services. 57 FR 43780 (September 22, 1992). We determined that the rules were necessary to ensure that each of the airlines and airline affiliates that then owned and controlled the systems did not use the systems to unfairly prejudice the competitive position of other airlines or to provide misleading or inaccurate information to travel agents and their customers. Travel agents depended on CRSs to provide airline information and make bookings for their customers, and almost all airlines received most of their bookings from travel agencies. CRS rules were necessary for these reasons. Our rules as revised will expire on March 31, 2001, unless we readopt them or extend the expiration date. 64 FR 15127 (March 30, 1999). We began a proceeding to determine whether the rules are necessary and should be readopted and, if so, whether they should be modified, by issuing an advance notice of proposed rulemaking. 62 FR 47606 (September 10, 1997). We are proposing here to extend the rules' expiration date to March 31, 2002, so that they will remain in force while we complete our reexamination of the rules.

We have set a ten-day comment period so that we can publish a final decision on this proposal before the rules' current expiration date. Our advance notice of proposed rulemaking and our supplemental advance notice of proposed rulemaking have given interested persons an opportunity to comment on whether the rules should be maintained.

The CRS Business

Four firms provide CRS services in the United States. Three of them are owned in whole or part by one or more U.S. or foreign airlines, and the two systems with little or no airline ownership are marketed by one or more U.S. airlines. A CRS provides information on airline services and other travel services sold through the system to its users. While most system users are travel agents (both traditional agencies and on-line agencies), consumers using Internet reservations services and corporate travel departments also use systems. Someone using a CRS can investigate what airline seats and fares are available and can book a seat on each airline that

''participates'' in the system, that is, that makes its services saleable through the CRS. Travel agents access a CRS through computer terminals.

The systems obtain most of their revenues from the fees paid by airlines and other travel suppliers participating in a system when a system user books travel services through the system or changes an existing booking (these fees are called ''booking fees''). Many, but not all, travel agencies subscribing to a system also pay fees. Since the systems compete for subscribers, market forces discipline subscriber fees, and some travel agencies can obtain CRS equipment and services at little or no charge.

Regulatory Background

The Civil Aeronautics Board (''the Board''), the agency formerly responsible for the economic regulation of the airline industry, initially adopted CRS rules because the systems had become essential for airline distribution in the early 1980s due to the travel agents' reliance on the systems for investigating and booking airline services. 49 FR 32540 (August 15, 1984). At that time each system operating in the United States, with one minor exception, was owned by a single airline, and each owner airline used its system to prejudice competing airlines and to give consumers biased or incomplete information in order to obtain more bookings. The Board found that regulations were essential to keep the systems from substantially injuring airline competition and from misleading consumers. In adopting its regulations the Board primarily relied on its authority under section 411 of the Federal Aviation Act, later recodified as 49 U.S.C. 41712, to prevent unfair methods of competition and unfair and deceptive practices in air transportation and the sale of airline transportation. The Board's rules were affirmed on review. *United Air Lines* v. *CAB,* 766 F.2d 1107 (7th Cir. 1985).

The Board's major rules required each system to make participation available to all airlines on non-discriminatory terms, to offer at least one unbiased display, and to make available to each airline participant any marketing and booking data from bookings for domestic travel that it chose to generate from its system. The rules also prohibited certain CRS contract terms that unreasonably limited the travel agencies' ability to switch systems or use more than one system.

To ensure that the rules would be reexamined, the Board's rules contained a sunset date, December 31, 1990. After we assumed the Board's responsibilities for airline economic regulation, we conducted such a reexamination. During our reexamination we maintained the rules by extending their expiration date. 55 FR 53149 (December 27, 1990); 56 FR 60915 (November 29, 1991); 57 FR 22643 (May 29, 1992).

Our reexamination caused us to readopt the rules with several revisions designed to strengthen them. 57 FR 43780 (September 22, 1992). We determined that the rules were still necessary. Market forces did not discipline the price or level of service offered participating airlines by the systems. In addition, without rules CRS owners could use their control of the systems to prejudice airline competition, and the systems could bias their displays of airline services. 57 FR at 43783–43787.

Like the Board's rules, our rules included a sunset date, December 31, 1997. 14 CFR 255.12; 57 FR at 43829–43830 (September 22, 1992). To begin our current reexamination of the rules, we published an advance notice of proposed rulemaking requesting comments on whether we should readopt the rules and, if so, whether they should be changed. 62 FR 47606 (September 10, 1997). We then amended the rules twice to further promote competition. 62 FR 59784 (November 5, 1997); 62 FR 66272 (December 18, 1997). Last year we published a supplemental advance notice of proposed rulemaking that asked the parties to update their comments in light of recent developments and to comment on whether any rules should be adopted regulating the use of the Internet in airline distribution. 65 FR 45551 (July 24, 2000).

We have also been conducting informal studies of recent developments in airline distribution and of the proposed business plan and operational strategy of Orbitz, a travel website being developed by five major U.S. airlines.

Almost all of the parties responding to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking urged us to maintain CRS rules, although they also argued that the rules required changes, mostly changes that would strengthen them. Few parties have argued that we should eliminate the rules or that the continued regulation of the CRS business is unnecessary. An extension of the current rules pending completion of the current reexamination of those rules would be consistent with the positions taken by most of the commenters.

Previous Extension of the Rules' Sunset Date

Because we could not complete our reexamination of the rules by the original sunset date, December 31, 1997, we have amended the rules three times to extend them, first to March 31, 1999, then to March 31, 2000, and then to March 31, 2001. 62 FR 66272 (December 18, 1997); 64 FR 15127 (March 30, 1999); and 65 FR 16808 (March 30, 2000). We concluded that these extensions were necessary to prevent the harm that would arise if the CRS business were not regulated and that extending the rules would not impose substantial costs on the industry. The only party that commented on the first proposed extension—America West Airlines—supported it, as did three parties that commented on the second proposed extension—Amadeus Global Distribution System, America West, and the Association of Asia-Pacific Airlines. Worldspan's comment on the second proposed extension did not oppose the extension. The parties that took a position on the last proposed extension —Delta, Amadeus, Worldspan, and the American Society of Travel Agents —all supported the proposal.

Our Proposed Extension of the CRS Rules

We are again proposing to change the expiration date for our CRS rules to March 31, 2002, to keep the rules in effect while we complete our reexamination of the need for the rules and their effectiveness. The time needed to complete our overall reexamination of our rules, including the need to give parties an adequate opportunity to file comments and reply comments in response to our future notice of proposed rulemaking, will require more time than the few months remaining before the current expiration date, March 31, 2001. In addition, we wish to complete our informal studies of airline distribution developments before we determine whether to propose readopting the rules.

We are aware that the delay in completing the rules' reexamination is unfortunate due to the importance of adapting our rules on CRS operations to current industry conditions and of considering whether the rules should be extended to the Internet, which is becoming increasingly important in airline distribution. We have had to address other airline competition issues that appeared to be more urgent. While the current rules should be updated, they do appear to address the most serious potential competitive and consumer protection issues created by

the use of computer reservations systems in airline distribution.

We have taken steps to enable us to move forward promptly on the rules' reexamination. As noted, we issued a supplemental notice last year asking the parties to update their comments in light of recent developments, including the Internet's growing importance in airline distribution. We are also completing our informal studies of airline distribution.

A number of parties have requested prompt action on certain additional CRS regulations, such as rules limiting airline booking fees and giving travel agency subscribers additional rights to cancel CRS contracts. *See, e.g.,* the petition filed by America West on airline booking fees; the Emergency Petition for Rulemaking filed by the Association of Retail Travel Agents in Docket OST–98–4775 on travel agency contracts; and the petition filed by Amadeus in Docket OST–99–5888 on the tying of an airline's corporate discount fares with the agency's use of that airline's CRS. As indicated, we are also studying Orbitz, since we have received a number of informal complaints that its proposed plan of operation would undermine the current distribution system. We recognize that the importance of some issues, such as our review of Orbitz, may require us to decide them before we complete our overall reexamination of the rules.

We tentatively conclude that we should amend the rules to change the sunset date from March 31, 2001, to March 31, 2002. This amendment would preserve the status quo until we determine which rules, if any, should be adopted. Allowing the current rules to expire would be disruptive, since the systems, airlines, and travel agencies have been conducting their operations in the expectation that each system will comply with the rules. Systems, airlines, and travel agencies, moreover, would be unreasonably burdened if the rules were allowed to expire and we later determined that those rules (or similar rules) should be adopted, since they could have changed their business methods in the meantime.

Our principal reason for extending the rules is the need to protect airline competition and consumers against unreasonable and unfair practices. Our past examinations of the CRS business and airline marketing convinced us that CRSs were still essential for the marketing of the services of almost all airlines. 57 FR 43780, 43783–43784 (September 22, 1992). We found that rules were needed because the airlines depended on travel agencies as their principal distribution arm, because travel agencies relied on CRSs, because most travel agency offices used only one CRS, because creating alternatives for CRSs and getting travel agencies to use them had been difficult, and because non-owner airlines were unable to cause agencies to use a CRS that provided airlines better or less expensive service instead of another that provided poorer or more expensive service. 57 FR at 43783–43784, 43831. If an airline did not participate in a system used by a travel agency, that agency was less likely to book its customers on that airline. Since marginal revenues are important in the airline industry, an airline could not afford to lose access to a significant source of revenue. An airline (or other firm) could not practicably create a system that could compete with the existing systems. Almost all airlines therefore had to participate in each CRS, and CRSs did not need to compete for airline participants. 57 FR at 43783–43784.

We believe that these findings are still valid. Travel agencies still make most airline bookings in the United States, travel agencies still rely heavily on CRSs to determine what airline services are available and to make bookings, and few travel agency offices make extensive use of more than one CRS. That CRS participation is essential for almost all airlines is demonstrated by the decision of the low-fare airlines to participate in each system, even though several initially believed that they could reduce their costs while not forfeiting much traffic by declining to participate in the systems. 62 FR at 47608. The rapid growth in the use of the Internet by consumers may not reduce the importance of the systems, for Internet sites (except many airline sites) typically use a system as their booking engine.

We recognize, of course, that Sabre no longer has any airline owner, due to American's spin-off of its Sabre stock, and that airlines own less than a quarter of Galileo's stock. American and Southwest market Sabre, however, and United markets Galileo, so these two systems each have significant airline ties which could potentially lead to deceptive or unfair competitive practices if our rules expired. Whether the rules should be readopted in light of the changes in system ownership is, of course, an issue that we will consider carefully in our reexamination of the rules. 65 FR at 45554, 45556.

As noted above, most of the parties that responded to the advance notice of proposed rulemaking and the supplemental advance notice of proposed rulemaking stated that the rules remained necessary, and most of them urged us to strengthen them further to protect airlines and travel agencies against potential abuses by system owners.

Thus, while our staff has not completed its current study of the CRS business and we have not issued a notice of proposed rulemaking finding that the rules should be readopted, we tentatively find that our past findings on the need for CRS rules are still valid, at least for the purpose of a short-term extension of the rules' expiration date. Maintaining the current rules will protect airline competition and consumers against the injuries that would otherwise occur, given our earlier findings on the market power of the systems and each airline owner's potential interest in using its affiliated CRS to prejudice the competitive position of other airlines. Continuing the rules in effect should not impose significant costs on the systems and their owners, since they have already adjusted their operations to comply with the rules and since the rules do not impose costly burdens of a continuing nature on the systems.

Finally, our obligation under section 1102(b) of the Federal Aviation Act, recodified as 49 U.S.C. 40105(b), to act consistently with the United States' obligations under treaties and bilateral air services agreements further supports our continuation of the rules. Many of those bilateral agreements assure the airlines of each party a fair and equal opportunity to compete. We have held that the fair and equal opportunity to compete includes, among other things, a right to have an airline's services fairly displayed in CRSs. Our rules against display bias and discriminatory treatment help to provide foreign airlines with a fair and equal opportunity to compete in the United States. 57 FR at 43791–43792. The European Union, Canada, and Australia, for example, have adopted rules regulating CRS operations that help give U.S. airlines a fair opportunity to sell their services in the countries covered by the rules.

Regulatory Process Matters

Regulatory Assessment

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. The proposal is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

Keeping the current rules in force should not impose significant costs on

the systems. They have already taken all the steps necessary to comply with the rules' requirements on displays and functionality, and complying with those rules on a continuing basis does not impose a substantial burden on the systems. Maintaining the rules will benefit participating airlines, since otherwise they could be subjected to unreasonable terms for participation, and will benefit consumers, who might otherwise obtain incomplete or inaccurate information on airline services. The rules also contain provisions that are designed to prevent abuses in the systems' competition with each other for travel agency subscribers.

When we conducted our last major CRS rulemaking, we included a tentative economic analysis in our notice of proposed rulemaking and made that analysis final when we issued our final rule. We believe that analysis remains applicable to our proposal to extend the rules' expiration date. As a result, no new regulatory impact statement appears to be necessary. However, we will consider comments from any party on that analysis before we make our proposal final.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Small Business Impact

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller U.S. airlines and smaller travel agencies. Our notice of proposed rulemaking sets forth the reasons for our proposed extension of the rules' expiration date and the objectives and legal basis for that proposed rule.

Furthermore, maintaining the current rules will not modify the existing regulation of small businesses. Our final rule in our last major CRS rulemaking contained a regulatory flexibility analysis on the impact of the rules. As a result of that analysis, we determined that this regulation did not have a significant economic impact on a substantial number of small entities. Our analysis appears to be valid for our proposed extension of the rules' termination date. Accordingly, we adopt that analysis as our tentative regulatory flexibility statement and will consider any comments filed on that analysis in connection with this proposal.

The continuation of our existing CRS rules will primarily affect two types of small entities, smaller airlines and travel agencies. To the extent that airlines can operate more efficiently and reduce their costs, the rules will also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be, although the difference may be small.

Continuing the rules will protect smaller non-owner airlines from several potential system practices that could injure their ability to operate profitably and compete successfully. No smaller airline has a CRS ownership interest. Market forces do not significantly influence the systems' treatment of airline participants. As a result, if there were no rules, the systems' airline owners could use them to prejudice the competitive position of other airlines. The rules provide important protection to smaller airlines. For example, by prohibiting systems from ranking and editing displays of airline services on the basis of carrier identity, they limit the ability of each system to bias its displays in favor of its owner airlines and against other airlines. The rules also prohibit charging participating airlines discriminatory fees. The rules, on the other hand, impose no significant costs on smaller airlines.

The CRS rules affect the operations of smaller travel agencies, primarily by prohibiting certain CRS practices that could unreasonably restrict the travel agencies' ability to use more than one system or to switch systems. The rules prohibit CRS contracts that have a term longer than five years, give travel agencies the right to use third-party hardware and software, and prohibit certain types of contract clauses, such as minimum use and parity clauses, that restrict an agency's ability to use multiple systems. By prohibiting display bias based on carrier identity, the rules also enable travel agencies to obtain more useful displays of airline services.

Our proposed rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

Interested persons may address our tentative conclusions under the Regulatory Flexibility Act in their comments submitted in response to this notice of proposed rulemaking.

I certify under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. et seq.) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law No. 96–511, 44 U.S.C. Chapter 35.

Federalism Assessment

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this action does 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. This proposed rule will not limit the policymaking discretion of the States. Nothing in this proposal would directly preempt any State law or regulation. We are proposing this amendment primarily under the authority granted us by 49 U.S.C. 41712 to prevent unfair methods of competition and unfair and deceptive practices in the sale of air transportation. We believe that the policy set forth in this proposed rule is consistent with the principles, criteria, and requirements of the Federalism Executive Order and the Department's governing statute. Comments on these conclusions are welcomed and should be submitted to the docket.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

Accordingly, the Department of Transportation proposes to amend 14 CFR Part 255 as follows:

PART 255—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

2. Section 255.12 is revised to read as follows:

§ 255.12 Termination.

The rules in this part terminate on March 31, 2002.

Issued in Washington, DC on March 2, 2001, under authority delegated by 49 CFR 1.56a(h)2.

Susan McDermott,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 01–5666 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116468–00]

RIN 1545–AY43

Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed Income Tax Regulations relating to the minimum cost requirement under section 420, which permits the transfer of excess assets of a defined benefit pension plan to a retiree health account.

DATES: The public hearing originally scheduled for March 15, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 5, 2001 (66 FR 1066), announced that a public hearing was scheduled for March 15, 2001, at 10 a.m., in Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 420 of the Internal Revenue Code. The public comment period for these proposed regulations expired on March 6, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of March 5, 2001, no one has requested to speak. Therefore, the public hearing scheduled for March 15, 2001, is canceled.

Cynthia E. Grigsby,

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

[FR Doc. 01–5770 Filed 3–7–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[Notice No. 912]

RIN 1512–AC24

Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking cross-referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations to eliminate ATF on-site supervision of tobacco products and cigarette papers and tubes of Puerto Rican manufacture shipped from Puerto Rico to the United States and related ATF forms. Specifically, the temporary rule eliminates the requirements that persons who ship such articles notify ATF prior to the shipment and that an ATF officer inspects, certifies that the amount of tax on such articles has been calculated correctly for, and releases, each shipment. Consequently, four ATF forms are eliminated. However, the rule requires that persons who ship such articles maintain records so that the amount of tax is calculated and recorded for ATF audit and examination. Also, the temporary rule revises certain sections to simplify and clarify and corrects a few typographical errors. This notice of proposed rulemaking invites comments on the temporary rule.

DATES: Written comments must be received on or before May 7, 2001.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Room 5003, 650 Massachusetts Avenue, NW., Washington, DC 20226, (Attention: Notice Number 912). See the Public Participation section of this notice for alternative means of commenting.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226; (202) 927–8210; or alcohol/tobacco@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

1. Temporary Regulations

The temporary regulations in this issue of the **Federal Register** amend the regulations in 27 CFR part 275. For the text of the temporary regulations see T.D. ATF–444, published in the Rules and Regulations section of this issue of the **Federal Register**.

2. Public Participation

Who May Comment on This Notice?

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practicable to do so. However assurance of consideration can only be given if comments are received on or before the closing date.

Will ATF Keep My Comments Confidential?

ATF cannot recognize any material in comments as confidential. Comments may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comment. We may also disclose the name of any person who submits a comment.

Can I Review Comments Received?

Yes. You may view and copy written comments on this project during normal business hours in the ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927–8480. For information on filing a Freedom of Information Act request for a copy of the comments, please call (202) 927–8480, FAX (202) 927–8866 or E-mail: FOIAMail@atfhq.atf.treas.gov. (ATF cannot accept FOIA requests via E-mail).

How Do I Send Facsimile Comments?

You may submit comments of not more than three pages of facsimile transmission to (202) 927–8525. Facsimile comments must:

- Be legible;
- Be 8 ½″ × 11″ in size;
- Contain a legible written signature; and
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

How Do I Send Comments by E-Mail?

If you send an e-mail, you must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address;
- Contain the word ''Notice'' and its number in the subject or reference line of the e-mail;

• Contain your company or association affiliation, if pertinent to your comment, and your reason for commenting (manufacturer, importer, consumer, etc.);

• Be legible when printed in a 8½″ × 11″ size (no special characters or symbols); and

• Be addressed to *nprm@atfhg.atf.treas.gov.*

We will not acknowledge receipt of e-mail. We will treat e-mail as originals.

How Do I Send Comments Through the ATF Internet Web Site?

Comments may be submitted electronically using ATF's web site. You may comment on this proposed notice by using the form provided through ATF's web site. You can reach this notice and the comment form through the address *http://www.atf.treas.gov/tobacco/rules/index.htm.*

Can I Request a Public Hearing?

If you desire the opportunity to comment orally at a public hearing on this proposed regulation, you must submit a request in writing to the Director within the 60-day comment period. The Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

3. Regulatory Analyses and Notices

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

How does the Regulatory Flexibility Act Apply to this Proposed Rule?

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The proposed changes reduce regulatory burdens for the three firms that currently ship tobacco products from Puerto Rico to the United States.

Does the Paperwork Reduction Act Apply to this Proposed Rule?

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection(s) of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF), Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226. Comments are specifically requested concerning:

• Whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;

• The accuracy of the estimated burden associated with the proposed collection of information;

• How the quality, utility, and clarity of the information to be collected may be enhanced; and

• How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collection of information in this proposed regulation is in 27 CFR 275.106, 275.110 and 275.121. This information is required to ensure proper excise payment of taxes on Puerto Rican tobacco products and cigarette papers and tubes shipped from Puerto Rico to the United States and that a person who defers taxes on such shipments does not exceed the amount of the bond allowing the person to defer taxes. This information will be used to determine whether excise taxes have been properly paid and that any bonds for deferring taxes are in a sufficient amount. The collection of information is mandatory. The likely respondents may include small businesses or organizations.

The estimated annual burden per respondent will vary depending on the number of shipments of Puerto Rican tobacco products and cigarette papers and tubes from Puerto Rico to the United States. Estimated total annual recordkeeping burden for each year is 1 hour. Estimated average annual burden 2 hours per respondent and/or recordkeeper is 20 minutes. The estimated number of recordkeepers is three (3).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

4. Drafting Information

The principal author of this document is Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of ATF and the Treasury Department participated in developing the document.

Signed: February 5, 2001.

Bradley A. Buckles,

Director.

Approved: February 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–5425 Filed 3–7–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE TREASURY

31 CFR Part 1

Internal Revenue Service: Privacy Act; Proposed Implementation

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of a proposed amendment to this section to exempt a proposed new Internal Revenue Service (IRS) system of records, the Employee Tax Compliance Records (ETC—Treasury/IRS 36.888, from certain provisions of the Privacy Act. The exemption is intended to increase the value of the system of records for law enforcement purposes.

DATES: Comments must be received no later than April 9, 2001.

ADDRESSES: Please submit comments to the National Director, Governmental Liaison and Disclosure, 1111 Constitution Avenue, Washington, DC 20224. Comments will be made available for inspection at the IRS Freedom of Information Reading Room also located at Room 1621, 1111 Constitution Avenue, NW. The telephone number for the Reading Room is (202) 622–5164.

FOR FURTHER INFORMATION CONTACT: David Silverman, Office of Governmental Liaison and Disclosure, IRS, 1111 Constitution Avenue, NW., Washington, DC 20224. Telephone number (202) 622–6200. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system is investigatory material compiled for law enforcement purposes. The IRS is hereby giving notice of a proposed rule to exempt the Employee Tax Compliance Records (ETC)—IRS 36.888, from certain provisions of the Privacy

Act of 1974 pursuant to 5 U.S.C. 552a(k)(2). The proposed exemption is from provisions 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), (I), and (f) because the system contains investigatory material compiled for law enforcement purposes. The following are the reasons why this system of records maintained by the IRS is exempt pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974.

(1) 5 U.S.C. 552a(c)(3). This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the record at his/her request. The reasons for exempting this system of records from the foregoing provision are:

(i) The release of disclosure accounting would put the subject of an investigation on notice that an investigation exists and that such person is the subject of that investigation.

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure was made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating the subject and the scope of the investigation and could aid the individual in impeding or compromising investigations by those agencies.

(2) 5 U.S.C. 552a(d)(1), (d) (2), (d)(3), (d)(4), (e)(4)(G), (H), and (f). These provisions of the Privacy Act relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requested access to records; the agency procedures relating to access to records and the contest of the information contained in such records and the administrative remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons for exempting this system of records from the foregoing provisions are as follows: To notify an individual at the individual's request of the existence of an investigative file pertaining to such individual or to grant access to an investigative file pertaining to such individual could interfere with investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(1). This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The reasons for exempting this system of records from the foregoing are as follows:

(i) The IRS will limit the Employee Tax Compliance Records to those relevant and necessary for identifying, monitoring, and responding to employee tax compliance. However, an exemption from the foregoing is needed because, particularly in the early stages of an investigation, it is not possible to determine the relevance or necessity of specific information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when first received may subsequently be determined to be irrelevant or unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established with certainty.

(iii) When information is received by the IRS relating to violations of law within the jurisdiction of other agencies, the IRS processes this information through IRS systems in order to forward the material to the appropriate agencies.

(4) 5 U.S.C. 552a(e)(4)(1). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons an exemption from this provision has been claimed are as follows:

(i) Revealing categories of sources of information could disclose investigative techniques and procedures;

(ii) Revealing categories of sources of information could cause sources that supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality.

As required by Executive Order 12866, it has been determined that this proposed rule is not a significant regulatory action and, therefore, does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The proposed rule imposes no duties or obligations on small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1, Subpart C of title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 paragraph (g)(v)(iii) is amended by adding the following text in numerical order to the table under the heading INTERNAL REVENUE SERVICE.

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

* * * * *

(g) * * *

(v) * * *

(iii) * * *

Number	System name
* * * * *	
IRS 36 .888	Employee Tax Compliance Records
* * * * *	

Dated: February 7, 2001.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

[FR Doc. 01–5686 Filed 3–7–01; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–01–021]

RIN 2115–AA97

Safety Zone: McArdle Bridge Repairs—Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for repairs to the McArdle Bridge, during seven 3½ day closure periods between April 2, 2001 and August 24, 2001, in Boston, MA. The safety zone would temporarily close all waters of Boston Inner Harbor one hundred (100) yards upstream and downstream from the McArdle Bridge. The safety zone would prohibit entry into or movement within this portion of Boston Inner Harbor during the closure periods and is needed to allow The Middlesex Corporation (TMC) to conduct repairs on the McArdle Bridge.

DATES: Comments and related material must reach the Coast Guard on or before March 15, 2001.

ADDRESSES: You may mail comments and related material to Marine Safety Office Boston, 455 Commercial Street, Boston, MA. Marine Safety Office Boston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of the docket and will be available for inspection or copying at Marine Safety Office Boston between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Dave Sherry, Marine Safety Office Boston, Waterways Management Division, at (617) 223–3006.

SUPPLEMENTARY INFORMATION:

Request for Information

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD1–01–021), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your comments reached us, please enclose a stamped, self addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

The Coast Guard plans to hold a public meeting on March 1, 2001 at the Tosco Terminal, located at 467 Chelsea Street in East Boston, MA, to discuss the scope of the bridge repairs and proposed rule. For information regarding this meeting contact LTjg Dave Sherry at the address listed under **ADDRESSES.** If you wish to hold additional meetings, you may contact LTjg Dave Sherry with a request in writing explaining why one would be beneficial. If we determine an additional meeting would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This regulation proposes to establish a safety zone one hundred (100) yards upstream and downstream of the McArdle Bridge in Boston Harbor. The safety zone would be in effect for seven 3½ day periods spaced between 10 day channel openings on the following dates and times: from sunset on Monday, April 2, 2001 until sunrise on Friday, April 6, 2001; from sunset on Monday, June 11, 2001 until sunrise on Friday, June 15, 2001; from sunset on Monday, June 25, 2001 until sunrise on Friday, June 29, 2001; from sunset on Monday, July 9, 2001 until sunrise on Friday, July 13, 2001; from sunset on Monday, July 23, 2001 until sunrise on Friday, July 27, 2001; from sunset on Monday, August 6, 2001 until sunrise on Friday, August 10, 2001, and from sunset on Monday, August 20, 2001 until sunrise on Friday, August 24, 2001. Two contingency closures have been scheduled and will be used if previously scheduled closures need to be cancelled due to weather or other unavoidable events. The contingency closures are scheduledfrom sunset on Monday, September 3, 2001 until sunrise on Friday, September 7, 2001; and from sunset on Monday, September 17, 2001 until sunrise September 21, 2001.

The zone would restrict movement within this portion of Boston Harbor and is needed to allow TMC to conduct repairs on the McArdle Bridge. The Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via safety marine information broadcasts and local notice to mariners.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this proposed regulation will prevent traffic from transiting a portion of Boston Harbor during the effective periods, the effects of this regulation will not be significant due to the extensive planning that took place between marine and cargo stakeholders and Coast Guard Marine Safety Office Boston representatives. On November 30, 2000, December 14, 2000, and January 4, 2001 the Coast Guard hosted planning meetings with the City of Boston Department of Public Works, Massachusetts Highway Department, TMC, Chelsea River vessel operators, local barge companies, Massachusetts Port Authority, Logan Airport representatives and fuel suppliers, and Chelsea River marine terminals. The meetings explored bridge repair and channel closure options. On January 4, 2001 a final group consensus was achieved on which this proposed rule is based. Other elements reducing vessel impact include: the minimal time that vessels will be restricted from the area and the advance notifications which will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have

a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Chelsea River between April 2, 2001 and August 24, 2001, during the designated 3½ day closures. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: the minimal time that vessels will be restricted from the area and the advance notifications which will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTjg Dave Sherry at the address listed under **ADDRESSES.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this proposed rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.

2. Add temporary § 165.T01–021 to read as follows:

§ 165.T01–021 Safety Zone: McArdle Bridge Repairs—Boston, Massachusetts

(a) *Location.* The following area is a safety zone: All waters of Boston Inner Harbor one hundred (100) yards upstream and downstream of the McArdle Bridge, Boston, MA.

(b) *Effective Date.* This section is effective from sunset on Monday until sunrise on Friday for the following dates: April 2 until April 6, 2001; June 11 until June 15, 2001; June 25 until June 29, 2001; July 9 until July 13, 2001; July 23 until July 27, 2001; August 6, until August 10, 2001, and August 20 until August 24, 2001.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: February 21, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 01–5601 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–15–U

POSTAL SERVICE

39 CFR Part 20

International Customized Mail Service

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The U.S. Postal Service is proposing to revise its regulations to enable mailers to additionally qualify for International Customized Mail (ICM) service if they are capable, on an annualized basis, of tendering at least 600 pieces of non letter-post mail (including Global Priority Mail), or paying at least $12,000 in international non letter-post postage to the Postal Service.

DATES: Comments regarding this proposed regulatory change must be received on or before April 9, 2001.

ADDRESSES: Written comments can be mailed or hand delivered to the Manager, International Marketing, International Business, U.S. Postal Service, 1735 North Lynn Street, Room 2018, Arlington, VA 22209–6020. Copies of all written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, at the office of International Business to which written comments may be sent.

FOR FURTHER INFORMATION CONTACT: Angus MacInnes, (703) 292–3601.

SUPPLEMENTARY INFORMATION: The Postal Reorganization Act grants the Postal Service the authority to establish international postage rates and fees. The Postal Service has the authority to enter into an ICM agreement with business mailers who meet the requirements of International Mail Manual (IMM) 297.2. The Postal Service provides ICM service to specific mailers pursuant to the terms and conditions of an ICM service agreement consistent with IMM 297.3. To qualify for ICM service, a mailer must currently be capable, on an annualized basis, of either tendering 1 million pounds of international mail or paying at least $2 million in international postage (IMM 297.2). The current qualifying criteria were adopted in a final rule on May 21, 1993.

The nature of the international mail marketplace has substantially changed in the past 7 years since the final rule was adopted, particularly with respect to the expedited and package segment of international business. International mail transactions are conducted in an increasingly complex and substantially competitive marketplace. Competition for U.S. origin and destination international mail and related services is intense. Private competitors and foreign posts compete for customers and business in the processing, transportation, and delivery of letters, printed matter, and parcels.

Over the past 7 years, the availability of pricing incentives has become an even larger factor in mailers' decisions to select one service provider over another, especially for parcels. It is common today for private competitors and foreign posts to establish specific prices and conditions by entering into individual contracts. Individual prices and conditions are set on a customer-by-customer basis; a region, country group, or country-by-country basis; and/or a product-by-product basis. Private competitors have in recent years set very low minimums when they offer individual contracts or price incentives to customers shipping parcels.

The international letter mail and printed matter business is concentrated among a few larger businesses and consolidators. The number of pieces, weight, and postage of letters and printed matter mailed annually by each such mailer is on average very high. Such mailers have the capability of mailing well in excess of $2 million or 1 million pounds. Thus, the existing criteria for qualifying for an ICM allows the Postal Service to be competitive for letter and printed matter business, because that segment is concentrated among a few customers annually mailing large volumes.

In contrast, the international package business is widely dispersed among a large number of customers who send fewer pieces per year. Only one of eight domestic shippers also ships internationally. Normally, the average volume per customer of international shipping is much lower than domestic shipping. Only a very small percentage of business customers ship as much as $2 million or 1 million pounds. Nevertheless, customers still expect discounts for their international packages.

The international package market is extremely price sensitive. Customers who ship as few as 5 packages per week, or 200 packages per year, are offered discounts by private competitors. Customers who ship 10 or more packages a week, or about 520 a year, generate over two-thirds of the international package revenues. These customers are offered discounts by private competitors that are as much as 65 percent below published rates. These discounts are offered under a number of agreement formats and are never made public. Hence, the current ICM qualifying criteria does not allow the Postal Service to offer an ICM to most of the international parcel mailers and compete effectively on the basis of price. This puts the Postal Service at a competitive disadvantage.

The Postal Service has several current ways to be price competitive for most international package business. It offers expedited and package services at published rates. While these rates are generally below the published rates of competitors, they are frequently not competitive for all size business customers because of the pervasive discounting offered by international package carriers.

The Postal Service offers a published discount for one product, Global Express Mail. This discount is 5 percent below published rates for those customers who have an Express Mail Corporate Account (EMCA). A customer can have an EMCA by depositing $250 with the Postal Service. This offer is attractive only to very small businesses that do not receive discounts from international package competitors.

The Postal Service offers an ICM agreement to customers capable of mailing $2 million or 1 million pounds per year. This positions the Postal Service very competitively for the largest international package customers. However, as is explained above, there are very few such customers. This leaves the Postal Service without a way to offer competitive prices or to customize services to thousands of business customers who ship international packages.

The Postal Service will be able to broaden its offerings and be more competitive by lowering the qualifications for entering into an ICM agreement to 600 parcels or $12,000 a year. Competitors offer discounts to shippers sending as few as 200 parcels a year and routinely offer discounts to shippers sending 600 parcels per year. Setting the qualifying criterion at 600 parcels a year will enable many mailers to qualify for an ICM agreement and make the Postal Service more competitive. The qualifying criterion that a mailer is capable of spending at least $12,000 in postage is reasonable since the average postage for a Global Express Mail item is almost $20. Six hundred pieces multiplied by $20 is $12,000. This would make the international package market more competitive, which benefits all customers.

In the international arena, the Postal Service seeks to better serve customers' needs and generate additional revenues and contribution to institutional costs. Both the Postal Service's customers and the public benefit from the contributions to the overall costs of the postal system that its international services provide. Thus, its success in the competitive markets contributes to its ability to provide reasonably priced postal services to all of its customers.

The Postal Service, therefore, concludes that to be competitive in the international marketplace, it needs to establish new qualifying criteria for mailers of international expedited and package services to qualify for an ICM agreement.

List of Subjects in 39 CFR Part 20

Foreign relations, incorporation by reference, international postal services.

PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The International Mail Manual (IMM) is amended to incorporate the following changes to Subchapter 290.

International Mail Manual (IMM)

297 International Customized Mail

* * * * *

297.2 Qualifying Mailers

[Replace the current 297.2 with the following changes:]

To qualify for ICM service, a mailer must tender all of its ICM mail to the

Postal Service and must be capable, on an annualized basis, of:

a. Tendering at least 1 million pounds of international letter-post mail (excluding Global Priority Mail) to the Postal Service, or paying at least $2 million in international letter-post postage to the Postal Service; or

b. Tendering at least 600 pieces of international non letter-post mail (including Global Priority Mail) to the Postal Service, or paying at least $12,000 in international non letter-post postage to the Postal Service.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–5632 Filed 3–7–01; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–496; MM Docket No. 01–58; RM–10071]

Radio Broadcasting Services; Morenci, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Copper Valley Radio, requesting the allotment of Channel 290A to Morenci, Arizona, as that community's first local aural transmission service. Coordinates used for this proposal are those of the Morenci city reference at 33–04–42 NL and 109–21–53 WL. Additionally, as Morenci, Arizona, is located within 320 kilometers (199 miles) of U.S.-Mexico border, concurrence of the Mexican government to this proposal is required.

DATES: Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered, 1850 M Street, NW., Suite 240, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed RuleMaking, MM Docket No. 01–58, adopted February 14, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Morenci, Channel 290A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–5725 Filed 3–7–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 010110022–1022–01; I.D. 120800A]

RIN 0648–AO89

Magnuson-Stevens Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a fee schedule for foreign vessels fishing in the U.S. Exclusive Economic Zone (EEZ). The intent of this action is to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the establishment of a schedule of reasonable fees that apply non-discriminatorily to each foreign fishing nation.

DATES: Comments must be received on or before April 9, 2001.

ADDRESSES: Send comments to Bruce C. Morehead, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, 301–713–2276.

SUPPLEMENTARY INFORMATION: Regulations at 50 CFR part 600, subpart F govern foreign fishing under the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The regulations provide for the application and issuance of foreign fishing permits under provisions of section 204(b) of the Magnuson-Stevens Act. Under section 204(b), foreign vessels may be permitted to catch, process, scout, support and transship in the EEZ.

Section 204(b)(10) of the Magnuson-Stevens Act requires the establishment of a schedule of reasonable fees to apply non-discriminatorily to each foreign fishing nation. Regulations at 50 CFR 600.518 require, among other things, that foreign vessels authorized to directly harvest fish in the EEZ pay fees based on the number of metric tons (mt) of allocated species harvested. The species potentially available for foreign fishing and the fees associated with those species have been in effect since 1992 and are in need of updating. The species and fees are found in the table

at 50 CFR 600.518(b)(1). NMFS proposes to amend this table to remove species no longer available for allocation, clarify listings for certain species appearing in the table, add Atlantic herring as an allocable species, and establish the fees to be paid for the resulting list of allocable species.

Specifically, NMFS proposes to remove red and silver Hake and the associated fees from the table. These species are no longer available for harvest by foreign fishing vessels. NMFS proposes to amend the table to clarify that, instead of referring to ''Herring,'' the table should refer to ''Herring, River.'' NMFS proposes to amend the table to clarify that, instead of referring to ''Other groundfish,'' the table should refer to ''Other finfish.'' NMFS proposes to add ''Atlantic herring'' to the table as a potentially allocable species.

With respect to fees to be charged, in recommending a specification of a total allowable level of foreign fishing (TALFF) for Atlantic herring and Atlantic mackerel, the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, respectively, intended each TALFF to be an incentive for increased joint venture activities between U.S. and foreign vessels. NMFS believes it would be reasonable to support the intent of the Councils by continuing the NMFS practice of keeping fees at a low level. Joint ventures are expected to be an integral part of foreign fishing operations in both the Atlantic herring and Atlantic mackerel fisheries and the costs of the foreign directed fisheries influence the ability of foreign owners and operators to purchase herring and mackerel at-sea from U.S. fishermen. Lower fees for allocated species should result in a greater likelihood that U.S. fishermen will receive closer to current ex-vessel values for herring and mackerel than they would receive with higher fees in effect. Fees set for directed fishing at prohibitively high levels could adversely affect U.S. fishermen engaged in joint ventures and U.S. opportunities to develop the Atlantic herring and Atlantic mackerel fisheries. Based on past experience, NMFS believes it would be both appropriate and reasonable to set foreign fees at 20 percent of ex-vessel value. Thus, NMFS proposes to calculate a fee per mt for each allocable species, or species group, equal to 20 percent of the ex-vessel value of each allocable species, or species group. NMFS proposes to calculate ex-vessel values based on a 5-year average ex-vessel value for each species, or species group, according to ex-vessel value records maintained by the NMFS Fisheries Statistics and Economics Division. However, in the case of Atlantic mackerel, an anomaly in ex-vessel value occurred in 1997 when the ex-vessel value of Atlantic mackerel rose to approximately $630.00 per mt from an average ex-vessel value of approximately $324.00 per mt. Although the reasons for this anomaly are not entirely clear, NMFS believes the higher ex-vessel value for Atlantic mackerel in 1997 is related to the higher world prices for mackerel that resulted from a severe reduction in the ''Total Allowable Catch'' for the North Sea mackerel fishery. The North Sea fishery is large enough to influence the world price of frozen mackerel. NMFS believes it is appropriate to factor out this anomaly when determining the 5-year ex-vessel value of Atlantic mackerel for purposes of calculating the foreign fee schedule. Not factoring out the anomaly would result in a fee for Atlantic mackerel of $78.97 per mt. Factoring out the anomaly results in, and NMFS proposes, a fee for Atlantic mackerel of $64.76 per mt.

NMFS believes fees so calculated will recover fees at a reasonable level, as required by section 204(b)(10) of the Magnuson-Stevens Act. Also, in accordance with section 204(b)(10), the proposed fees are non-discriminatory because the owners or operators of vessels of all nations receiving allocations for directed fishing would pay the same fees.

Under NOAA Administrative Order 205–11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the **Federal Register**.

Classification

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the entities that would be affected by this regulation are not small entities within the meaning of the Regulatory Flexibility Act. As a result, an initial Regulatory Flexibility Analysis was not prepared.

List of Subjects in 50 CFR Part 600

Fisheries, Fishing, Foreign relations, Intergovernmental relations.

Dated: March 1, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter VI is proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. In § 600.518(b)(1), the table is revised to read as follows:

§ 600.518 Fee schedule for foreign fishing.

* * * * *

(b) * * *

(1) * * *

TABLE—SPECIES AND POUNDAGE FEES

[Dollars per metric ton]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish	277.96
2. Herring, Atlantic	25.75
3. Herring, River	49.59
4. Mackerel, Atlantic	64.76
5. Other finfish	45.48
6. Squid, *Illex*	97.56
7. Squid, *Loligo*	321.68

* * * * *

[FR Doc. 01–5759 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 46

Thursday, March 8, 2001

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (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: Submit comments on or before May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC, 20523, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0552.

Form No.: N/A.

Title: Financial Status Report.

Type of Review: Renewal of Information Collection.

Purpose: USAID wants to continue to require expanded financial reporting from recipients of grant and cooperative agreements (CA) with places of performance covering multiple countries. Recipients would be required to provide financial reports with expenditure data by country. For assistance programs which cover programs in more than one country, USAID requires recipients to specify in the ''remarks'' section of SF–269 and SF–269A, or other applicable approved financial report form, by country, the amount of the total Federal Share which was expended for each country. USAID has sought a class deviation to the statute from the Office of Management and Budget (OMB) in accordance with the 22 CFR 226.4. The information is being collected so that USAID may report to Congress, OMB, and other requestors per the requirements of the Government Performance and Results Act and the Government Management Reporting Act. Also, the reporting requirements are necessary to ensure that USAID funds are expended in accordance with statutory requirements and USAID policies. USAID is seeking this waiver for a period of three years.

Annual Reporting Burden:

Respondents: 118.

Total annual responses: 472.

Total annual hours requested: 800 hours.

Dated: March 1, 2001.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 01–5702 Filed 3–7–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

SUPPLEMENTARY INFORMATION: The National Agricultural Research, Extension, Education, and Economics Advisory Board, which represents 30 constituent categories, as specified in section 802 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127), has scheduled a National Agricultural Research, Extension, Education, and Economics Advisory Board meeting March 19–21, 2001.

On Monday, March 19 through Wednesday March 21, 2001, the Advisory Board will hold a general meeting in Washington, DC. A general business session of the Advisory Board will be held on March 19, from 9:00 a.m. until 12:00 noon, and will include a morning session to hear views on agricultural research from Congressional members and staff, a session on the ARS Peer Review Process for Intramural National Programs. The afternoon session will feature representatives from the office of the Under Secretary for Research, Education, and Economics (REE) and its agencies, representatives and other outside invitees who represent a variety of interests regarding funding and policy strategies for research and education. The meeting will adjourn at 5:00 p.m. for the day.

A National Stakeholder Symposium is scheduled for March 20, 2001, from 9:00 a.m. until 5:00 p.m., with the theme of ''Reinventing Agriculture in the 21st Century through Research and Education.'' The objective of the Stakeholder Symposium is to hear diverse views from stakeholders across the country on how we can best shape 21st century American agriculture through research and education and to initiate dialogue that will help shape future Farm Bill legislation as it relates to research and education opportunities. On Wednesday, March 21, 2001, the Advisory Board will focus on future efforts of the Board in addressing the transition in the Administration, and include discussions on increasing funding support for agricultural research and education. They will be articulating their findings from the meeting and the previous day's focus sessions into formal recommendations for the Secretary of Agriculture. They will also start focusing on their agenda for the coming year, which will include establishment of a rapport with the new administration on communicating high priority USDA research and education opportunities. Limited time will be

provided for comments from the public as noted in a forthcoming agenda. Also written comments will be accepted for public record up to 2 weeks following the Board meeting. The final agenda will be available to the public prior to the meeting.

DATES:

March 19—9:00 a.m. to Noon—General Business Session

March 19—1:00 p.m. to 5:00 p.m.—Special Presentations

March 20—8:00 a.m. to 5:00 p.m.—National Stakeholder Symposium

March 20—12–1:00 p.m.—Working Lunch w/Speaker

March 20—5:30 p.m. to 7:30 p.m.—Working Reception

March 21—8:00 a.m. to Noon—Focus Session Wrap-up and Discussion

Place: DoubleTree Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC.; Terrace Ballroom and State Room.

Type of Meeting: Open to the Public.

Comments: The public may file written comments before or after the meeting with the contact person. All statements will become a part of the official records of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Office of the Advisory Board; Research, Education, and Economics; U.S. Department of Agriculture; Washington, D.C. 20250–2255.

FOR FURTHER INFORMATION CONTACT: Deborah Hanfman, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, Research; Education, and Economics Advisory Board Office, Room 344–A Jamie L. Whitten Building; U.S. Department of Agriculture; STOP: 2255, 1400 Independence Avenue, SW., Washington, DC 20250–2255; Telephone: 202–720–3684; Fax: 202–720–6199; or e-mail: *mhumphreys@reeusda.gov.*

Done at Washington, DC this 26th day of February 2001.

Dawn Riley,

Acting Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 01–5820 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of meeting.

SUMMARY: Executive Order No. 13168 published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). This notice announces that the Commission will conduct a public meeting on March 20, 2001. The purpose of the meeting will be to review comments received on the Commission's Preliminary Report since its February 21, 2001, meeting and to finalize recommendations from tobacco, economic development, and health working groups in preparation for work on the Commission's Final Report.

DATES: The Commission will meet on March 20, 2001, from 1 p.m. to 6 p.m. at 2101 L Street, NW., Room 303A, Washington, DC. If special accommodations are required, please contact Doug Richardson, at the address specified below, by COB March 16, 2001. All times are Eastern Standard Time. All meetings are open to the public; however, seating is limited and available on a first-come basis.

FOR FURTHER INFORMATION CONTACT: Doug Richardson, Executive Director, Tobacco Commission, United States Department of Agriculture, (USDA), 1400 Independence Avenue, SW., STOP 0574, Washington, DC, 20250–0574 or telephone (202) 418–4266 or toll free (866) 804–6698; FAX (202) 418–4270; Internet: tobcom@wdc.usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission collected and reviewed information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders, and communities dependent on tobacco production pursue new economic opportunities. The Commission issued its Preliminary Report on January 26, 2001, with comments requested through March 8, 2001. Copies of the Preliminary Report are available on the Commission's website at http://www.fsa.usda.gov/tobcom/ or by contacting the Commission's office at the contact information listed above. All comments received through February 20, 2001, with respect to the Preliminary Report were reviewed by the Commission in its public meeting conducted on February 21, 2001.

The Commission, in its February 21, 2001, meeting, also reviewed draft recommendations from three working groups representing the farm, economic development and health areas of the Commission. After this review, the Commission directed that each working group revise their recommendations based on input received from the meeting and other recommendations to the Commission.

The purpose of the March 20, 2001, meeting is to review additional public input received on the Preliminary Report and to review the revised reports from the tobacco, economic development and health working groups in order to prepare the Final Report to the President.

Written comments may be sent to the contact person listed above.

Signed at Washington, D.C. on March 5, 2001.

James R. Little,

Acting Administrator, Farm Service Agency.

[FR Doc. 01–5775 Filed 3–5–01; 4:24 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[00–04–C]

Opportunity to Comment on the Applicants for the Fremont (NE) Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA requests comments on the applicants for designation to provide official services in the geographic areas assigned to Fremont Grain Inspection Department, Inc. (Fremont).

DATES: Comments must be postmarked, or sent by telecopier (FAX) by March 31, 2001.

ADDRESSES: Comments must be submitted in writing to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue,

SW., Washington, DC 20250–3604. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 1, 2000, **Federal Register** (65 FR 175237), GIPSA asked persons interested in providing official services in the Fremont area to submit an application for designation. There were two applicants for the Fremont area: Fremont and Sioux City Inspection and Weighing Service Company (Sioux City). Fremont applied for designation to provide official services in the entire area currently assigned to them. Sioux City, a designated official grain inspection agency operating in Iowa, Nebraska, and South Dakota, applied for designation to provide official services in all or part of the Fremont geographical area.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5648 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[01–01–A]

Opportunity for Designation in the Amarillo (TX), Cairo (IL), Fostoria (OH), Louisiana, North Carolina, Belmond (IA), and Wisconsin Areas, and Request for Comments on the Official Agencies Serving These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in September and November 2001. GIPSA is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the services provided by these currently designated agencies: Amarillo Grain Exchange, Inc. (Amarillo); Cairo Grain Inspection Agency, Inc. (Cairo); Fostoria Grain Inspection, Inc. (Fostoria); Louisiana Department of Agriculture and Forestry (Louisiana); North Carolina Department of Agriculture (North Carolina); D. R. Schaal Agency, Inc. (Schaal); and Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin).

DATES: Applications and comments must be postmarked or sent by telecopier (FAX) on or before March 31, 2001.

ADDRESSES: Submit applications and comments to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604; FAX 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at Room 1647–S, 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. Current Designations Being Announced for Renewal

Official agency	Main office	Designation start	Designation end
Amarillo	Amarillo, TX	12/01/1998	11/30/2001
Cairo	Cairo, IL	11/01/1998	09/30/2001
Fostoria	Fostoria, OH	12/01/1998	11/30/2001
Louisiana	Baton Rouge, LA	10/01/1998	09/30/2001
North Carolina	Raleigh, NC	10/01/1998	09/30/2001
Schaal	Belmond, IA	12/01/1998	11/30/2001
Wisconsin	Madison, WI	12/01/1998	11/30/2001.

a. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Oklahoma and Texas, is assigned to Amarillo.

In Texas:

Bounded on the North by the Texas-Oklahoma State line to the eastern Clay County line;

Bounded on the East by the eastern Clay, Archer, Throckmorton, Shackelford, and Callahan County lines;

Bounded on the South by the southern Callahan, Taylor, and Nolan County lines;

Bounded on the West by the western Nolan, Fisher, Stonewall, King, and Cottle County lines; the western

Childress County line north to U.S. Route 287; U.S. Route 287 northwest to Donley County; the southern Donley and Armstrong County lines west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to FM 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line; the western Oldham, Hartley, and Dallam County lines.

Beaver, Beckham, Cimarron, Ellis, Harper, Roger Mills, and Texas Counties, Oklahoma.

b. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Illinois, Kentucky, and Tennessee, is assigned to Cairo.

Randolph County (southwest of State Route 150 from the Mississippi River north to State Route 3); Jackson County (southwest of State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union County); and Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union Counties, Illinois.

Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Kentucky.

Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley Counties, Tennessee.

Cairo's assigned geographic area does not include the following grain elevator inside Cairo's area which has been and will continue to be serviced by the following official agency: Memphis Grain Inspection Service: Cargill, Inc., Tiptonville, Lake County, Tennessee.

c. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Ohio, is assigned to Fostoria.

Bounded on the North by the northern and eastern Fulton County lines; the eastern Henry County line; the northern and eastern Wood County lines; the northern Sandusky County line east to State Route 590;

Bounded on the East by State Route 590 south to Seneca County; the northern Seneca County line east to State Route 53; State Route 53 south to Wyandot County; the northern Wyandot County line; the northern Crawford County line east to State Route 19; State Route 19 south to U.S. Route 30;

Bounded on the South by U.S. Route 30 west to the western Hancock County line; and

Bounded on the West by the western Hancock County line; the southern Henry County line west to State Route 108; State Route 108 north to U.S. Route 24; U.S. Route 24 southwest to the Henry County line; the western Henry and Fulton County lines.

d. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Louisiana, except those export port locations within the State which are serviced by GIPSA, is assigned to Louisiana.

e. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of North Carolina, except those export port locations within the State which are serviced by GIPSA, is assigned to North Carolina.

f. Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Iowa, is assigned to Schaal.

Bounded on the North by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines;

Bounded on the East by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33;

Bounded on the South by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 to C54; C54 west to State Route 17; and

Bounded on the West by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

Schaal's assigned geographic area does not include the following grain elevators inside Schaal's area which have been and will continue to be serviced by the following official agencies:

1. Central Iowa Grain Inspection Service, Inc.: North Central Farm Service, Chapin, Franklin County; and Land O'Lakes Elevator, d.b.a. Rockwell Ag Center, Rockwell, Cerro Gordo County.

2. A. V. Tischer and Son, Inc.: West Bend Elevator Co., Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County.

g. Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Wisconsin, except those export port locations within the State, is assigned to Wisconsin.

2. Opportunity for Designation

Interested persons, including Amarillo, Cairo, Fostoria, Louisiana, North Carolina, Schaal, and Wisconsin, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

DESIGNATION TERMS

Amarillo	12/01/2001 to 09/30/2004.
Cairo	10/01/2001 to 09/30/2004.
Fostoria	12/01/2001 to 09/30/2004.
Louisiana	10/01/2001 to 09/30/2004.
North Carolina	10/01/2001 to 09/30/2004.
Schaal	12/01/2001 to 09/30/2004.
Wisconsin	12/01/2001 to 09/30/2004.

3. Request for Comments

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Amarillo, Cairo, Fostoria, Louisiana, North Carolina, Schaal, and Wisconsin official agencies. Commenters are encouraged to submit pertinent data concerning these official agencies including information on the timeliness, cost, quality, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5646 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[00–03–S]

Designation for the Detroit (MI), Keokuk (IA), Michigan (MI), Champaign (IL), Eastern Iowa (IA), and Enid (OK) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act): Detroit Grain Inspection Service, Inc. (Detroit); Keokuk Grain Inspection Service (Keokuk); Michigan Grain Inspection Services, Inc. (Michigan); Champaign-Danville Grain Inspection Departments, Inc. (Champaign); Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa); and Enid Grain Inspection Company, Inc. (Enid).

Enid is also designated to provide Class X or Class Y weighing services in their geographic area.

EFFECTIVE DATES: May 1, 2001, for Detroit, Keokuk, and Michigan; and June 1, 2001, for Champaign, Eastern Iowa, and Enid.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at 202–720–8525, e-mail janhart@gipsadc.usda.gov.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 1, 2000, **Federal Register** (65 FR 53263), GIPSA asked persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by October 1, 2000.

Each was the sole applicant for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for comments on the applicants.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act and, according to Section 7(f)(l)(B), determined that each official agency is able to provide official services in the geographic areas, specified in the September 1, 2000, **Federal Register**, for which they applied. Additionally, Enid had asked GIPSA to amend their designation to include official weighing services. Section 7A(c)(2) of the Act authorizes GIPSA's Administrator to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under Section 7(f)(1)(A) of the Act. GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and determined that Enid is qualified to provide official weighing services in their currently assigned geographic area.

Interested persons may obtain official services by calling the telephone numbers listed below.

Official agency	Headquarters location and telephone	Designation start—end
Detroit	Emmett, MI, 810–395–2105	05/01/2001–03/31/2004
Keokuk	Keokuk, IA, 319–524–6482; Additional Service Location: Havana, IL	05/01/2001–03/31/2004
Michigan	Marshall, MI, 616–781–2711; Additional Service Locations: Carrollton, MI; Lima, OH.	05/01/2001–03/31/2004
Champaign	Champaign, IL, 217–398–0723; Additional Service Locations: Hoopeston,IL; Terre Haute, IN.	06/01/2001–03/31/2004
Eastern Iowa	Davenport, IA, 319–322–7140; Additional Service Locations: Dubuque, and Muscatine, IA; Gulfport, IL.	06/01/2001–03/31/2004
Enid	Enid, OK, 580–233–1121; Additional Service Location: Catoosa, OK	06/01/2001–03/31/2004

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: February 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5647 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Oklahoma

The Statewide central filing system of Oklahoma has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985 on the basis of information submitted by the Oklahoma Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted in September 1, 1999, and September 20, 1999, letters by Anita Charlson, Supervisor, Central Filing System for Agricultural Liens, to cover all farm products used or produced in farming operations, or a product of such crop or livestock in its unmanufactured state that is in the possession of a person engaged in farming operations in that State.

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.22(a)(3)(v), 2.81(a)(5), 55 FR 22795.

Dated: February 5, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5644 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock market named below was a stockyard as defined by Section 302(a). Notice was given to the stockyard owner and to the public as required by Section 302(b), by posting notice at the stockyard on the date specified below, that the stockyard was subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility No., name, and location of stockyard	Date of posting
GA–224 Dixie Livestock Market, Inc., Oak Park, Georgia.	June 26, 2000.

Done at Washington, DC, this 2nd day of February 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5645 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Deposting of Stockyards

Notice is hereby given, that the livestock markets named herein, originally posted on the dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under the Act and are therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
MN–170, Speldrich Feeder Pig Market, Belgrade, Minnesota.	July 22, 1977.
WA–120, Stockland Union Stockyards, Inc., Spokane, Washington.	November 1, 1921.

This notice is in the nature of a change relieving a restriction and, thus, may be made effective in less than 30 days after publication in the **Federal Register** without prior notice or other public procedure. This notice is given pursuant to section 302 of the Packers and Stockyards Act (7 U.S.C. 202) and is effective upon publication in the **Federal Register**.

Done at Washington, D.C. this 28th day of February 2001.

David R. Shipman,

Acting Administrator Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–5693 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The renewed Task Force on Agricultural Air Quality will have its initial meeting to identify critical issues that it will address during calendar year 2001. Special emphasis will be placed on obtaining a better understanding about the relationship between agricultural production and air quality. The meeting is open to the public.

DATES: The meeting will convene on Tuesday, March 27, 2001, at 9 a.m., and continue until 4 p.m. The meeting will resume Wednesday, March 28, from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Natural Resources Conservation Service, at the address below, on or before March 16, 2001.

ADDRESSES: The meeting will be held at the Hall of States, 444 North Capitol Street, N.W., Room 333/335, Washington, DC 20001; telephone: (202) 624–8588. Written material and requests to make oral presentations should be sent to George Bluhm, University of California, Land, Air, and Water Resources, 151 Hoagland Hall, Davis, California 95616–6827.

FOR FURTHER INFORMATION CONTACT: Questions or comments should be directed to George Bluhm, Designated Federal Official; telephone: (503) 752–1018; fax: (530) 752–1552; email: bluhm@crocker.ucdavis.edu.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agenda for the March 27 and 28 meeting that occurs after this **Federal Register** notice is published, may be found on the World Wide Web at http://www.nhq.nrcs.usda.gov/faca/aaqtf.html.

Draft Agenda of the March 27 and 28 Meeting

A. Welcome to Washington, DC
  1. Department of Agriculture (USDA) Official
  2. Environmental Protection Agency (EPA) Official
B. Introduction of Members
C. Approve Minutes of the July 18–19, 2000, AAQTF Meeting
D. Review Task Force Charter, FACA Rules and Procedures
E. Review Previous Task Force Accomplishments
  1. Memorandum of Understanding between USDA and EPA;
  2. Concentrated animal feeding operations and emission factors;
  3. Agricultural air quality research priorities and oversight;
  4. Guidance for an agricultural residue burning policy; and
  5. Voluntary air quality compliance program for agriculture.
F. Update of Ongoing Agricultural Air Quality Research
  1. USDA
  2. EPA
G. Establish Task Force Priorities for 2001
H. Organization of the Necessary Task Force Action Committees
I. Public Input (Time will be reserved, before lunch and at the close of each daily session, to receive public comment. Individual presentations will be limited to 5 minutes).

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may present oral presentations during the meeting. Persons wishing to make oral presentations should notify George Bluhm no later than March 16, 2001. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting, that person should submit 25 copies to George Bluhm no later than March 16, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact George Bluhm.

USDA prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternate means for communication of program information (braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720–2000 (voice and TDD).

To file a complaint of discrimination to USDA, write to Director, Office of Civil Rights, Room 326–W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250–9410; or call (202) 720–5964 (voice and TDD). The USDA is an equal opportunity provider and employer.

Signed in Washington, DC, on February 12, 2001.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 01–5756 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee will meet on March 22, 2001, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Public Session

1. Opening remarks and introductions.
2. Presentation of papers or comments by the public.
3. Update on the Wassenaar Arrangement.
4. Status on post-shipment checks.
5. Status on ''specially designed'' entries to the Commerce Control List (CCL).
6. Status on Category 2 Matrix Guide for CCL users.

Closed Session

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

A limited number of seats will be available for the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials, the Committee suggests that presenters forward the materials prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14th St. & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formal determined on December 11, 1999, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For more information, contact Lee Ann Carpenter on (202) 482–2583.

Dated: February 28, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–5594 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 13–2001]

Foreign-Trade Zone 77—Memphis, Tennessee; Application for Expansion and Reorganization

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the City of Memphis, Tennessee, grantee of Foreign-Trade Zone 77, requesting authority to expand its zone to include an additional site in Memphis, Tennessee, within the Memphis Customs port of entry, and to reorganize existing zone sites. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 27, 2001.

FTZ 77 was approved on April 2, 1982 (Board Order 189, 47 FR 16191, 4/15/82) and expanded on June 17, 1992 (Board Order 582, 57 FR 28483, 6/25/92). The general-purpose zone project currently consists of the following sites: *Site 1* (22 acres)—within the Port of Memphis at the intersection of Port Street and Channel Avenue, Memphis; *Site 2* (2 parcels, 410,000 sq. ft.)—Parcel 1 (115,000 sq. ft) located at 4594 Lamar Avenue, Memphis, and Parcel 2 (295,000 sq. ft.) located within a warehouse facility at 5000 East Raines Road, Memphis; and, *Site 3* (121 acres)—Parcel 1 (12 acres), warehouse facility at 4834 South Mendenhall Road, Parcel 2 (106-acres), warehouse facility at 4836 Hickory Hill Road, Memphis, and, Parcel 3 (125,000 sq. ft.), warehouse facility at 227 Highway 45 West, Humboldt.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site (Proposed Site 4) in Memphis, and to delete certain sites which are currently inactive. *Proposed Site 4* (397 acres) is located at the Memphis Depot Business Park (formerly the Memphis Defense Depot), 2163 Airways Boulevard, Memphis. The U.S. Army is in the process of transferring property within the business park to the Depot Redevelopment Corporation, an agency established by the City of Memphis and Shelby County to operate and promote the redevelopment of the site. The applicant is also requesting that Parcel 1 within Site 2 and Parcel 1 within Site 3 be deleted from the zone project due to changed circumstances. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 7, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 22, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Buckman Hall, Suite 348, 650 East Parkway South, Memphis, TN 38104.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 28, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–5774 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–805]

Preliminary Results of Antidumping Duty Administrative Review; Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands

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

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

EFFECTIVE DATE: March 8, 2001.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide (PPD–T aramid) from the Netherlands in response to requests by respondent, Teijin Twaron BV (formerly Twaron Products V.o.F.) and Teijin Twaron USA, Inc. (formerly Twaron Products, Inc.) (collectively Twaron), and petitioner, E.I. DuPont de Nemours and Company. This review covers sales of this merchandise to the United States during the period June 1, 1999, through December 31, 1999, by Twaron. The results of the review indicate that Twaron made sales of the subject merchandise at less than NV for the above period.

We invite interested parties to comment on these preliminary results. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Michael Grossman, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0984 or (202) 482–3146, respectively.

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

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** the antidumping duty order on PPD–T aramid from the Netherlands on June 24, 1994 (59 FR 32678). On June 20, 2000, we published in the **Federal Register** (65 FR 38242) a notice of ''Opportunity to Request an Administrative Review'' of this order covering the period June 1, 1999, through May 31, 2000.

In accordance with 19 CFR 351.213(b), Twaron and petitioner requested that we conduct an administrative review for the aforementioned period. On July 31, 2000, the Department published a notice of ''Initiation of Antidumping Review'' (65 FR 46687). The Department is now conducting this administrative review pursuant to section 751 of the Act.

On February 8, 2001, the U.S. International Trade Commission (ITC) determined in the five-year (sunset) review that revoking the existing antidumping order on imports of PPD–T aramid from the Netherlands would not likely lead to continuation or recurrence of material injury within a reasonably foreseeable time. As a result of the ITC's negative determination, the existing antidumping duty order on imports of this product will be revoked retroactive to January 1, 2000. Therefore, our review covers sales of this merchandise to the United States during the period June 1, 1999, through December 31, 1999.

Scope of Review

The products covered by this review are all forms of PPD–T aramid from the Netherlands. These consist of PPD–T aramid in the form of filament yarn (including single and corded), staple fiber, pulp (wet or dry), spun-laced and spun-bonded nonwovens, chopped fiber, and floc. Tire cord is excluded from the class or kind of merchandise under review. This merchandise is currently classifiable under the *Harmonized Tariff Schedule of the United States* (*HTSUS*) item numbers 5402.10.3020, 5402.10.3040, 5402.10.6000, 5503.10.1000, 5503.10.9000, 5601.30.0000, and 5603.00.9000. The *HTSUS* item numbers are provided for convenience and Customs purposes. The written description of the scope remains dispositive.

Transactions Reviewed

In accordance with section 751 of the Act, the Department is required to determine the normal value (NV) and export price (EP) or constructed export price (CEP) of each entry of subject merchandise, and the dumping margin for each such entry. *See* Section 751(a)(2)(A). Because there can be a significant lag between entry date and sale date for CEP sales, it has been the Department's practice to examine U.S. CEP sales during the period of review (POR). *See Gray Portland Cement and Clinker from Japan; Final Results of Antidumping Duty Administrative Review,* 58 FR 48826, 48832 (September 20, 1993) (the Department did not consider ESP (now CEP) entries which were sold after the POR). The Court of International Trade (CIT) has upheld the Department's practice in this regard. *See The Ad Hoc Committee of Southern California Producers of Gray Portland Cement* v. *United States,* 914 F. Supp. 535, 544–45 (CIT 1995).

Comparisons to NV

In accordance with section 771(16) of the Act, we considered all products covered by the Scope of the Review which were sold by the respondent in the home market during the POR to be foreign like products for purposes of product comparisons to U.S. sales.

Pursuant to section 777A(d)(2) of the Act, where there were home market sales that passed the cost of production (COP) test, as discussed below, we compared the CEPs of individual U.S. transactions to the monthly weighted-average NV of the foreign like product. Where there were no sales of identical or similar merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the home market during the comparison period.

Constructed Export Price

The Department based its margin calculation on CEP, as defined in sections 772(b), (c), and (d) of the Act, because all sales to the first unaffiliated purchaser in the United States took place after importation.

We calculated CEP based on delivered prices and FOB warehouse prices to unaffiliated purchasers in the United States. Where appropriate, we reduced these prices to reflect rebates. In accordance with section 772(d)(1) of the Act, we deducted direct selling expenses, *i.e.,* credit expenses, technical service expenses, warranty expenses, third-party payments, packing and repacking, and indirect selling expenses, including inventory carrying costs, which related to economic activity in the United States. We made deductions for movement expenses (international freight, brokerage and handling, U.S. duties, domestic inland freight, U.S. inland freight, and

insurance) in accordance with section 772(c)(2) of the Act. We also made deductions for further manufacturing in accordance with section 772(d)(2) of the Act. Finally, we also deducted from CEP an amount for profit in accordance with sections 772(d)(3) and (f) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondent's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to sections 773(a)(1)(B) and (C) of the Act, because Twaron's aggregate volume of the home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV on home market sales.

We calculated NV based on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. We made adjustments for discounts. Where applicable, we deducted home market packing costs and added U.S. packing costs. In accordance with section 773(a)(6) of the Act, where applicable, we made deductions from the starting price for inland freight and inland insurance. In addition, we made a circumstance of sale adjustment for imputed credit expenses, in accordance with section 773(a)(6)(C)(iii) of the Act. Prices were reported net of value added taxes (VAT) and, therefore, no deduction for VAT was necessary. We made adjustments, where appropriate, for physical differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We based this adjustment on the difference in the variable costs of manufacturing for the foreign like product and the subject merchandise.

We derived the CEP offset amount from the amount of the indirect selling expenses on sales in the home market. See *Level of Trade* section of this notice. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses deducted from CEP pursuant to section 772(d) of the Act.

Cost of Production Analysis

In the most recently completed administrative review of Twaron, we disregarded sales found to be below the COP. Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during the POR. Thus, pursuant to section 773(b) of the Act, we initiated a COP investigation of Twaron in the instant review.

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general and administrative (SG&A) expenses and packing costs in accordance with section 773(b)(3) of the Act. We used the home market sales data and COP information provided by Twaron in its questionnaire responses.

After calculating a weighted-average COP, we tested whether home market sales of PPD–T aramid were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permitted recovery of all costs within a reasonable period of time. We compared model-specific COP to the reported home market prices less any applicable movement charges, discounts, and indirect selling expenses.

Pursuant to section 773(b)(2)(C), where less than 20 percent of Twaron's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' In accordance with section 773(b)(2)(B) and (D) where 20 percent or more of home market sales of a given product during the POR were at prices less than the COP, we found that such sales were made in substantial quantities within an extended period of time. Because the sales prices would not permit recovery of all costs within a reasonable period of time, we disregarded those below-cost sales and used the remaining sales to determine NV in accordance with section 773(b)(1). For those models of PPD–T aramid for which there were no home market sales available for matching purposes, we compared CEP to CV.

Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of Twaron's cost of materials and fabrication employed in producing the subject merchandise, SG&A and profit incurred and realized in connection with production and sale of the foreign like product, and U.S. packing costs. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by Twaron in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We used the costs of materials, fabrication, and SG&A as reported in the CV portion of Twaron's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of Twaron's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of Twaron's questionnaire response. *See Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 61 FR 1344, 1349 (January 19, 1996). For selling expenses, we used the average of the home market selling expenses weighted by the respective quantities sold. For actual profit, we first calculated the difference between the home market sales value and home market COP for all home market sales in the ordinary course of trade, and divided the sum of these differences by the total home market COP for these sales. We then multiplied this percentage by the COP for each U.S. model to derive the profit amount. Finally, the CEP offset was derived in the same manner described in the *Normal Value* section of this notice.

Level of Trade

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

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

Finally, for CEP sales, if the NV level is more remote from the factory than the

CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731, 61732–33 (November 19, 1997) (*South Africa Final*).

For purposes of our analysis, we examined information regarding the distribution systems in both the United States and the Dutch markets, including the selling functions, classes of customer, and selling expenses. Upon consideration of the above mentioned factors, the Department determined that there is one level of trade and one channel of distribution in the home market (direct to end users) and a different level of trade in the U.S. market (sales to an affiliated distributor). As such, we were unable to make product comparisons at the same level of trade nor were we able to calculate a level of trade adjustment. We have determined that Twaron's NV sales to end-users/converters in the home market, as well as CV, are at a more advanced stage of distribution than CEP sales. As a result, the Department has preliminarily determined to grant Twaron an adjustment to NV in the form of a CEP offset.

Currency Conversion

For purposes of the preliminary results, we made currency conversions in accordance with section 773A of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. *See* Change in Policy Regarding Currency Conversions, 61 FR 9434 (March 8, 1996). Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' In accordance with the Department's practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. *See South Africa Final* 62 FR 61734. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determine that a fluctuation exists, we substitute the benchmark for the daily rate, in accordance with established practice. Therefore, for purposes of the current review, we have made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales based on the methodology discussed above.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists:

Exporter/manufacturer	Weighted-average margin
Twaron	1.03%

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Parties who submit case briefs in this proceeding should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at the hearing, within 120 days from the publication of these preliminary results.

Assessment Rate

Pursuant to 19 CFR 351.212(b), the Department shall determine, and the United States Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates by aggregating the dumping margins calculated for all U.S. sales and dividing this amount by the estimated entered value (provided by respondents) of the same merchandise on an importer-specific basis. Upon completion of this review, the Department will instruct the U.S. Customs Service to assess antidumping duties on all entries during the POR by applying the assessment rate to the entered value of the merchandise.

Furthermore, as a result of the ITC's negative sunset review determination with regard to PPD–T aramid from the Netherlands, the Department will revoke the antidumping duty order for this case, effective January 1, 2000. We will instruct the Customs Service to terminate suspension of liquidation for all entries of subject merchandise made on or after January 1, 2000. Therefore, we will not issue cash deposit instructions to Customs based on the results of this review.

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

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

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5623 Filed 3–7–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–830]

Coumarin From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on coumarin from the People's Republic of China (PRC). The review covers exports of this merchandise to the United States for the period February 1, 1999, through January 31, 2000, and two firms: Netchem, Inc. (Netchem) and Jiangsu Native Produce Import & Export Corporation (Jiangsu). The preliminary results of this review indicate that both Netchem and Jiangsu failed to

cooperate. Consequently, we have preliminarily determined that Jiangsu is part of the PRC entity, and have used adverse facts available to determine the margins for the PRC entity and Netchem.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at (202) 482–0197 or (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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

Background

On February 14, 2000, the Department published in the **Federal Register** (65 FR 7348–03) a notice of ''Opportunity to Request Administrative Review'' for the period February 1, 1999, through January 31, 2000. In accordance with 19 CFR 351.213, on February 21, 2000, Netchem requested a review of itself, and, on February 29, 2000, the petitioner, Rhodia Inc., requested a review of Jiangsu, for the aforementioned period. On March 30, 2000, we published a notice of ''Initiation of Antidumping Review.'' *See* 65 FR 16875–01. The Department is now conducting this administrative review pursuant to section 751(a) of the Tariff Act.

On May 2, 2000, and July 28, 2000, we issued questionnaires to Jiangsu and Netchem, respectively. On July 31, 2000, Jiangsu submitted a letter stating that it was withdrawing its request to be reviewed. On August 2, 2000, the Department confirmed with Jiangsu's counsel that Jiangsu had not requested a review, and that the intent of the letter was to notify the Department that Jiangsu would no longer be participating in the review. *See Memorandum to File through Maureen Flannery from Mark Hoadley: Coumarin from the People's Republic of China, Jiangsu's Native Import & Export Corp. (Jiangsu), Letter of July 31, 2000,* dated August 4, 2000.

Netchem filed its section A response on September 5, 2000, and its sections C and D response on September 12, 2000. Upon the Department's verbal inquiry regarding verification, Netchem informed the Department by telephone on November 14, 2000 that the producer in China had gone bankrupt. On November 20, 2000, the Department issued a supplemental questionnaire for sections A through D to clarify deficient information in the response and to obtain information not yet provided. On the same day, the Department sent a separate letter to Netchem, referencing the November 14 conversation, and asking for clarification regarding which company had gone bankrupt, what the role of the company was in the production and sale of subject merchandise, who had provided Netchem with the necessary information for questionnaire responses, and the current owner and location of source documents. This letter also asked Netchem to confirm the dates for verification in China and Canada. Netchem submitted its response to the November 20 letter on December 1, 2000, indicating that the director of the producing company had provided Netchem with information pertaining to factors of production. Netchem further stated that there were no original documents available. On December 8, 2000, the Department received Netchem's supplemental questionnaire response. Again, Netchem stated that it was unable to provide the information pertaining to the producer of its subject merchandise due to the bankruptcy of the Chinese producer.

Scope of Review

The product covered by this order is coumarin. Coumarin is an aroma chemical with the chemical formula C sub9 H sub6 O sub2 that is also known by other names, including 2H-1-benzopyran-2-one, 1,2-benzopyrone, cis-o-coumaric acid lactone, coumarinic anhydride, 2-Oxo-1,2-benzopyran, 5,6-benzo-alpha-pyrone, ortho-hydroxyc innamic acid lactone, cis-ortho-coumaric acid anhydride, and tonka bean camphor. All forms and variations of coumarin are included within the scope of the order, such as coumarin in crystal, flake, or powder form, and ''crude'' or unrefined coumarin (i.e. prior to purification or crystallization). Excluded from the scope of this order are ethylcoumarins (C sub11 H sub10 O sub2) and methylcoumarins (C sub10 H sub8 O sub2). Coumarin is classifiable under subheading 2932.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Period of Review

The review period is February 1, 1999 through January 31, 2000.

Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy (NME) countries a single rate, unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (de facto), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in an NME country under the test established in 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 amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). Because Jiangsu failed to cooperate, the Department is not granting a separate rate to Jiangsu.

Use of Facts Otherwise Available

Pursuant to sections 776(a)(1) of the Tariff Act, (1) if necessary information is not available on the record, or (2) if an interested party or any other person (A) withholds information that has been requested by the administering authority, (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides such information, but the information cannot be verified as provided in section 782(i) of the Act, the administering authority shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination.

Although Netchem provided the Department with some information, that information was too incomplete and too deficient for the Department to conduct a margin analysis. In addition, upon requests by the Department for further information, in accordance with section 782(d), Netchem repeatedly stated, verbally and in writing, that its supplier in the PRC went bankrupt, and that it would be unable to obtain any missing information pertaining to the supplier. Netchem further insisted that there were no source documents used to answer to the Department's questionnaire, but that the data was supplied by a former

company official of the supplier. As a result, information necessary to conduct a margin analysis is not available on the record, and some of the limited information that is on the record cannot be verified in accordance with section 782(e)(2) of the Tariff Act. Therefore, pursuant to section 776(a)(1) and section 776(a)(2)(D), the Department must resort to facts otherwise available in reaching the applicable determination.

Jiangsu's withdrawal of its participation in the review deprives the Department of the information necessary to conduct its margin analysis and also constitutes a refusal to provide information necessary to conduct the Department's antidumping analysis, pursuant to sections 776(a)(1) and (2)(A) of the Tariff Act. Moreover, Jiangsu's withdrawal significantly impedes the review process. *See* section 776(a)(2)(C) of the Tariff Act. Therefore, the Department must resort to facts otherwise available in reaching the applicable determination. Absent any response on the record from Jiangsu, sections 782(d) and (e) do not apply.

Use of Adverse Facts Available

Section 776(b) of the Tariff Act further provides that, in selecting from among the facts otherwise available, the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information (*see* also the Statement of Administrative Action (SAA), accompanying the URAA, H.R. Doc. No. 316, Vol. 1, 103rd Cong., 2d Sess. (1994), at 870). On three different occasions the Department asked Netchem in writing to provide the information necessary to conduct the margin analysis, namely, with the original questionnaire (issued on July 28, 2000), with the supplemental questionnaire (issued on November 20, 2000), and in a separate letter (issued on November 20, 2000).

In response to the Department's inquiry regarding verification, Netchem informed the Department by telephone on November 14, 2000, that its producer in China had gone bankrupt. *See* Department's letter to Netchem dated November 20, 2000. Based on this information, we issued a letter on November 20, 2000, asking for clarification regarding which company had gone bankrupt, what the role of the company was in the production and sale of subject merchandise, who had provided Netchem with the necessary information for questionnaire responses, and the current location of source documents. This letter also asked Netchem to confirm the dates for verification in China and Canada. In its response, Netchem provided the name of the company that went bankrupt, stated Netchem's intent to contact that company for a copy of the official documents, provided the names of Netchem's producer and supplier, named the individual providing the information for the questionnaire response, and stated that there are no original documents to support the claim that the supplier is bankrupt, or any other information pertaining to the supplier. The supplemental questionnaire response was still so highly deficient that we were unable to conduct an analysis based on the factor information provided. In its supplemental questionnaire, the Department asked three questions pertaining to organizational structure of Netchem's supplier. However, Netchem did not answer these questions, stating that it needed further clarification or that the supplier was bankrupt and therefore the information was unavailable. With respect to section D, factors of production, Netchem again did not provide an answer to six out of nine questions, other than to restate its assertion that the supplier is bankrupt and that the information is not available. Netchem also failed to satisfy the Department's request to provide a narrative response to each question issued in the original questionnaire. Rather, the company merely cross-referenced other sections of its response. Therefore, the Department has determined that Netchem has not complied with its responsibility to provide the information necessary to conduct a margin analysis.

Section 782(d) of the Tariff Act states that if the administering authority determines that a response to a request for information under this title does not comply with the request, the administering authority shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either (1) the administering authority finds that such response is not satisfactory, or (2) such response is not submitted within the applicable time limits, then the administering authority may, subject to subsection (e), disregard all or part of the original and subsequent responses. As discussed above, the Department requested Netchem to submit information necessary to conduct its margin analysis on three separate occasions; however, in each instance, Netchem's response was insufficient, failing to provide, for example, conversion factors used to calculate the reported amounts of water and ethyl alcohol, the quantity of by-products, and calculation worksheets demonstrating how Netchem's supplier calculated the reported usage for each source of energy to produce one unit of subject merchandise. Netchem, by not providing the Department with the necessary factor information to conduct a margin analysis, as described above, repeatedly failed to respond satisfactorily to the Department's request for information within the meaning of section 782(d)(1) of the Tariff Act. For Netchem to state that its supplier of subject merchandise went bankrupt is not sufficient, as there is no evidence that the responsive information is unavailable. The limited information available on the record is so deficient that it cannot serve as a reliable basis for reaching the applicable determination, and cannot be used without undue difficulties. Furthermore, this information cannot be verified since there are no source documents, as stated by Netchem. Therefore, the Department declines to consider in its determination the information submitted by Netchem, in accordance with sections 782(e)(2), (e)(3), and (e)(5) of the Tariff Act.

Jiangsu's withdrawal from this review constitutes a refusal to participate in the review, and demonstrates that Jiangsu failed to cooperate by not acting to the best of its ability to comply with the Department's request for information.

Pursuant to section 776(b) of the Act, the Department has determined that an adverse inference is warranted with respect to both companies, Netchem and Jiangsu, because they have failed to cooperate by not acting to the best of their ability, as discussed above.

When making adverse inferences, the SAA authorizes the Department to consider the extent to which a party may benefit from its own lack of cooperation (SAA at 870). Because the PRC-wide rate that was the cash deposit rate applicable during the period of review and that is applicable to current imports is 160.80 percent, a rate derived from the petition, the Department determines that assigning a 160.80 percent rate will prevent non-responding firms from benefitting from their failure to respond to the Department's requests for information. Anything less than the current cash deposit rate would effectively reward

non-responding firms for not cooperating by not acting to the best of their ability.

Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA defines secondary information as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review'' (*see* SAA at 870). In addition, the SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see id.*). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, as well as information obtained from interested parties during the particular investigation (*see id.*).

To corroborate the less-than-fair-value (LTFV) rate of 160.80 percent, we examined the basis of the rates contained in the petition of December 30, 1993, as revised in the final LTFV determination (59 FR 66895; December 28, 1994). The U.S. price in the petition, as amended, was based on average unit prices derived from U.S. Census import statistics, and on price lists from U.S. importers of coumarin. We were able to corroborate the average unit values listed in the amended petition by comparing those values to publicly available information compiled by the U.S. Census Bureau and made available by the International Trade Commission (ITC). The ITC reports quantity and value by HTSUS numbers. Using the same HTSUS number as listed in the petition (HTSUS 2932.21.000), we divided the total value by the total quantity for the periods referenced in the concurrence memorandum to the final antidumping duty determination for coumarin from the PRC, and noted the average unit values were very similar to those reported in the petition, as amended. *See Memorandum to File through Louis Apple from David J. Goldberger: Coumarin from the PRC; Alleged Margin Calculation Worksheet,* of January 18, 1994, on file in the Central Records Unit, located in Room B–099 main Department of Commerce Building.

The petition also states that, due to the NME status of the PRC, the foreign market value was calculated using a factors of production methodology. Based on the production experience of the petitioner, which it states is comparable to the PRC production process, the petition identified actual factors of production for subject merchandise. Such factors include: materials; labor; energy; utilities; overhead; general, selling and administrative expenses; profit; and packing. The petition relied, where possible, on publicly available information for India as surrogate values for the above-mentioned factors in the PRC. Where such information was not available, the petition relied on petitioner's own cost experience. *See Initiation of Antidumping Duty Investigation: Coumarin From the People's Republic of China,* 59 FR 3841–01 (January 27, 1994). Further, in the *Final Determination of Sales at Less Than Fair Value: Coumarin From the People's Republic of China,* 59 FR 66895–01 (December 28, 1994) (*Final Determination*), the Department revised the PRC-wide margin from the petition to reflect changes in the surrogate values of almost all inputs, including the most significant raw material for producing coumarin, as determined during the investigation. The source for this information was publicly available Indian and Indonesian import statistics. For detailed information, refer to *Concurrence Memorandum: Final Antidumping Duty Determination; Coumarin from the People's Republic of China (PRC),* December 19, 1994, at 5, 8–9. Because petitioners used published, publicly available data for valuing inputs, and these data were revised by the Department with publicly available information, as stated above, we consider these data to have probative value.

The SAA specifically states that where ''corroboration may not be practicable in a given circumstance,'' the Department may apply an adverse inference. *See* SAA at 870. Based on our efforts, described above, to corroborate information contained in the petition, as revised in the *Final Determination,* and mindful of the legislative history discussing facts available and corroboration, we consider the revised petition margin that we are assigning as adverse facts available in this review to be corroborated to the extent practicable. Furthermore, nothing on the record of this administrative review supports a determination that the highest margin rate from the petition in the underlying investigation, as revised, does not represent reliable and relevant information for purposes of adverse facts available. This rate has been used as the PRC-wide rate since the Department's *Final Determination.*

Preliminary Results of the Review

As a result of our review, we preliminarily determine the dumping margins for Netchem and the PRC entity, based on total adverse facts available for the period February 1, 1999 through January 31, 2000, to be as follows:

Manufacturer/exporter	Margin (percent)
Netchem, Inc	160.80
PRC-wide Rate	160.80

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five (5) days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs are currently scheduled for submission within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five (5) days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the deadline for submission of rebuttal briefs. The Department plans to issue the final results of this administrative review, including its analysis of issues raised in any case or rebuttal brief or at a hearing, not later than 120 days after the date of publication of this notice.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, upon issuance of the final results of this review, the following deposit rates will be effective with respect to all shipments of coumarin from the PRC entered, or withdrawn from warehouse, for consumption on or

after the publication date of the final results of this review, as provided for by section 751(a)(2)(c) of the Tariff Act: (1) The cash deposit rate for reviewed companies listed above will be the rates for those firms established in the final results of this review; (2) for companies previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the cash deposit rate will be the PRC-wide rate of 160.80 percent; and (4) for non-PRC exporters of subject merchandise from the PRC not covered by this review, or by the LTFV investigation, or a previous review, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

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

This administrative review and notice are in accordance with sections 751(a)(1) and 771 (i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5773 Filed 3–7–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–862]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Foundry Coke From the People's Republic of China

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

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Doreen Chen, Marlene Hewitt, and Alex Villanueva of Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0408, (202) 482–0165, and (202) 482–6412, respectively.

The Applicable Statute and Regulations

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

Preliminary Determination

We preliminarily determine that foundry coke from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

This investigation was initiated on October 10, 2000. *See Initiation of Antidumping Duty Investigation: Foundry Coke from the People's Republic of China,* 65 FR 61303 (October 17, 2000). Since the initiation of this investigation the following events have occurred.

On November 7, 2000, the Department issued section A of its antidumping questionnaire to the Embassy of the People's Republic of China, as well as courtesy copies to the following possible producers/exporters of subject merchandise named in the petition: Shanxi Grand Coalchem Industrial Company[1] (''Shanxi Grand Coalchem''), Sinochem International (''Sinochem''), CITIC Trading Company Ltd. (''CITIC'') and Minmetals Development Co. Ltd.[2] (''Minmetals'').

On November 8, 2000, the Department requested comments from interested parties regarding the criteria to be used for defining products. We received no comments from interested parties on defining products.

On November 28, 2000, the following companies with shipments of subject merchandise to the United States during the period of investigation (''POI'') submitted information regarding the quantity and value of their shipments: Shanxi Grand Coalchem, Sinochem, Minmetals, and CITIC.

We received complete Section A responses from Shanxi Grand Coalchem, Sinochem, Minmetals, CITIC and Taiyuan Yingxian Coal Carbonization Company (''Taiyuan''). Taiyuan reported that it did not have any sales of foundry coke to the United States; therefore, in accordance with Department practice, we decided not to investigate Taiyuan for this proceeding.

On November 14, 2000, the United States International Trade Commission (''ITC'') preliminarily determined that ''there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from China of foundry coke.'' *Foundry Coke from China,* (Investigation No. 731–TA–891 (Preliminary)), 65 FR 69573 (November 17, 2000).

On November 28, 2000, respondents submitted their complete section A responses. On December 19, 2000, the Department issued section A supplemental questionnaires to Sinochem and Shanxi Grand Coalchem. On December 29, 2000, the Department issued section A supplemental questionnaires to CITIC and Minmetals. On January 8, 2001, respondents submitted their responses to the Department's supplemental section A questionnaire. On January 23, 2001, Minmetals submitted its response to section D from its supplier. On January 23, 2001, CITIC, Sinochem and Shanxi Grand Coalchem provided section D responses from only some of their suppliers. Also on January 23, 2001, we requested respondents to provide section D information from all companies that supplied them subject merchandise for sales subject to this investigation. On January 26, 2001, we issued a second supplemental questionnaire for section A and supplemental section C and D questionnaires to respondents. On January 30, 2001, CITIC, Sinochem and Shanxi Grand Coalchem responded that they could not provide section D responses from all of their suppliers because these suppliers were shut down by the Chinese government for noncompliance with environmental standards. In addition, these respondents noted that these suppliers are unrelated to these respondents and

[1] Shanxi Grand Coalchem recently changed its name to Shanxi Dajin International (Group) Co. Ltd. However, in this notice, Shanxi Grand Coalchem will be referred to as Shanxi Grand Coalchem.

[2] Minmetals recently changed its name to Minmetals Townlord Technology Co., Ltd. However, in this notice, Minmetals will be referred to as Minmetals.

only supplied relatively small quantities to them. On February 8, 2001, respondents submitted their responses to supplemental sections C and D questionnaires and a second supplemental section A questionnaire.

On January 10, 2001, we requested publicly-available information for valuing the factors of production and comments on surrogate country selection. On January 23 and 30, 2001, petitioners and respondents submitted comments and rebuttal comments on the surrogate country selection and on surrogate values, respectively.

Period of Investigation

The period of investigation (POI) is January 1, 2000 through June 30, 2000. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (September 20, 2000). 19 CFR 351.204(b)(1).

Scope of Investigation

For purposes of this investigation, the product covered is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100-mm (4 inch) sieve, of a kind used in foundries.

The foundry coke products subject to this investigation are currently classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and 2704.00.00.11 (as of July 1, 2000) of the *Harmonized Tariff Schedules of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

On November 13, 2000, USG Interiors, Inc. (''USG Interiors'') and Rock Wool Manufacturing Company (''Rockwool'') submitted a written request for an amendment to the scope of this investigation to exclude foundry coke used for industrial purposes. Rockwool and USG Interiors argued that the scope of the investigation is over inclusive as the current scope definition includes industrial coke, which is not the intended subject merchandise for this investigation. Rockwool and USG Interiors explained that industrial coke results from foundry coke degraded during transit.

On November 17, 2000, petitioners submitted a response in opposition to USG Interiors and Rockwell's scope request, arguing that Rockwool and USG Interiors have no standing to make a scope exclusion request since they are not importers and that Rockwool and USG Interiors have failed to demonstrate that the material used by Rockwool and USG Interiors is imported as foundry coke. Petitioners argue that Rockwool and USG Interiors have not provided any information on the classification at entry of the merchandise. According to petitioners, Rockwool and USG Interiors have not established the legal and factual foundation for their claims, i.e., that the degradation occurs after entry of the merchandise and prior to delivery.

We agree with petitioners that Rockwool and USG Interiors have failed to provide any evidence substantiating their claim that Rockwool and USG Interiors use imported foundry coke that becomes degraded after entry of the merchandise and prior to delivery. Morever, in making their request for a scope exclusion, Rockwool and USG Interiors have failed to articulate a product description which distinguishes industrial coke from foundry coke other than by end-use. Since the Department determines the scope of its investigations by product description and not intended or actual use, we preliminary determine to deny this exclusion.

Nonmarket Economy Country Status

The Department has treated the PRC as a non-market economy (NME) country in all past antidumping investigations *(see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China,* 65 FR 33805 (May 25, 2000), and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China,* 65 FR 19873 (April 13, 2000). A designation as a NME 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 the PRC's NME status. We have, therefore, preliminarily determined to continue to treat the PRC as a NME country. When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base the normal value (NV) on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the Normal Value section, below.

Furthermore, no interested party has requested that the foundry coke industry in the PRC be treated as a market-oriented industry and no information has been provided that would lead to such a determination. Therefore, we have not treated the foundry coke industry in the PRC as a market-oriented industry in this investigation.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in a NME country this single rate, unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. In this case, each respondent has requested a separate company-specific rate.

CITIC stated that it is wholly-owned by China International Trust and Investment Corporation and that it has no relationship to the provincial or local governments, other than having to obey generally applicable laws regarding taxation, labor, environmental protection and other matters. CITIC claimed that it makes independent business decisions without state involvement and that there is no state involvement in any manner in setting prices or quantities regarding the sale of the subject merchandise.

Minmetals stated that it is majority-owned by a company which is in turn owned by the government. Minmetals claimed that it has no relationship with the national, provincial or local governments, other than having to obey generally applicable laws regarding taxation, labor, environmental protection and other matters.

Shanxi Grand Coalchem stated that its majority shareholder is the Bureau of Foreign Trade and Economic Cooperation Shanxi (BOFTEC), which is described as a provincial governmental agency. Shanxi Grand Coalchem claimed that it operates independently from the national and local governments with respect to all significant export activities. Sinochem stated that it is majority owned by China National Chemicals Import & Export Corporation, which in turn is owned by the state. Sinochem claimed that it operates independently from the national, provincial and local governments with respect to all significant export activities.

Based on these claims, we considered whether each respondent is eligible for a separate rate. The Department's separate rate test to determine whether the exporters are independent from government control 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, e.g., Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value,* 62 FR 61754, 61757 (November 19, 1997); *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, 61279 (November 17, 1997); 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).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each exporting entity under 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) and amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Under the separate rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both de jure and de facto governmental control over export activities.

1. Absence of De Jure Control

The Department considers the following de jure criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. The respondents have placed on the record a number of documents to demonstrate absence of de jure control, including the ''Foreign Trade Law of the People's Republic of China'' and the ''Company Law of the People's Republic of China.'' In prior cases, the Department has analyzed these laws and found that they establish an absence of de jure control. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China,* 60 FR 54472, 54474 (October 24, 1995); *see* also *Furfuryl Alcohol.* We have no information in this proceeding which would cause us to reconsider this determination.

As stated in previous cases, there is some evidence that the provisions of the above-cited 1988 Law and 1992 Regulations regarding enterprise autonomy have not been implemented uniformly among different sectors and/or jurisdictions in the PRC, (*see* ''PRC Government Findings on Enterprise Autonomy,'' in Foreign Broadcast Information Service-China-93–133 (July 14,1993)). Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to de facto governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (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 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. As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See Silicon Carbide* and *Furfuryl Alcohol.* Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

The respondents asserted the following: (1) They establish their own export prices; (2) they negotiate contracts without guidance from any governmental entities or organizations; (3) they make their own personnel decisions; and (4) they retain the proceeds of their export sales, using profits according to their business needs. Additionally, none of the respondents' questionnaire responses suggest pricing is coordinated among exporters. Furthermore, our analysis of the respondents' questionnaire responses reveals no other information indicating government control. As stated in the *Silicon Carbide,* 59 FR at 22587 and in *Furfuryl Alcohol,* 60 FR at 22544, ownership of the company by a state-owned enterprise does not require the application of a single rate. Based on the information provided, we preliminary determine that there is an absence of de facto governmental control of the respondents' export functions. Consequently, we preliminarily determine that CITIC, Minmetals, Shanxi Grand Coalchem, and Sinochem have met the criteria for the application of a separate rate.

Facts Available

Section 776(a) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a proceeding under the antidumping statute, or provides information which cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination. Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if that information is necessary to the determination but does not meet all of the requirements established by the Department provided that all of the following requirements are met: (1) The information is submitted by the established deadline; (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; and (5) the information can be used without undue difficulties. Companies that failed to respond to our questionnaires or reported no shipments were assigned the PRC-wide rate.

The PRC-wide antidumping rate is based on the facts available. Section 776(a)(2)(B) of the Act requires the Department to use facts available when a party does not provide the Department with information by the established deadline or in the form and manner requested by the Department.

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of that party as facts otherwise available.

As discussed above, all PRC producers/exporters that do not qualify

for a separate rate are treated as a single enterprise. Because some exporters of the single enterprise failed to respond to the Department's requests for information, that single enterprise is considered to be uncooperative. In such situations, the Department generally selects as total adverse facts available the higher of the highest margin from the petition or the highest rate calculated for a respondent in the proceeding. *See Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils from Germany,* 64 FR 30710, 30714 (June 8, 1999). In the present case, the highest calculated margin is the rate calculated from the petition.

Section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition rates) as facts available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See id.*

We reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose. In accordance with section 776(c) of the Act, to the extent practicable, we examined the key elements of the U.S. price and normal value (''NV'') calculations on which the petition margin was based and compared the sources used in the petition to publicly available information, where available, and respondent data as appropriate.

The petitioners based export price (''EP'') on import values declared to the U.S. Customs Service. For the normal value calculation, petitioners based the factors of production (''FOP'') as defined by section 773(c)(3) of the Act (raw materials, labor, energy, and representative capital costs) on the quantities of inputs used by petitioners. Petitioners asserted that detailed information is not available regarding the quantities of inputs used by the coke producers in China. Thus, petitioners assumed, for purposes of the petition, that the producers in China use the same inputs in the same quantities as a petitioners' most similar plants. Petitioners selected India as the appropriate primary surrogate country for purposes of valuing the factors. Petitioners valued factors of production, where possible, on reasonably available, public surrogate country data.

Our review of the EP and NV calculations indicated that the information in the petition has probative value as certain information included in the margin calculation in the petition is from public sources, concurrent, for the most part, with the POI. With regard to the EP calculation in the petition, the information relied upon was based on publicly available sources, that is, official U.S. government statistics; therefore, we find that the U.S. price from the petition margin is sufficiently corroborated.

With regard to NV, petitioners relied on both publicly available data and information obtained from a U.S. coke producer. The values for the factors of production were based on publicly available information for comparable inputs; therefore, we find that the factors of production values are sufficiently corroborated. We also find that with the exception of electricity, the usage rates based on a U.S. coke producer were sufficiently corroborated by information submitted by respondents in the course of this proceeding, as they fell within the range of the usage rates based data from the respondents. For factory overhead, SG&A expenses, and profit, we used the 1999–2000 financial statement from Gujarat NRE Coke, Ltd., an Indian producer of the subject merchandise. These are the same financial ratios we used for cooperating respondents.

We could not corroborate the energy usage rates used in the petition because we determined that the energy rates used in the petition reflected an energy process from the U.S. foundry coke production process, which differs from the energy process used in foundry coke production in the PRC. We recalculated the petition margin using an electricity usage rate based on information reported by respondents. We valued this electricity using the same data as for cooperating respondents. For further information, *see Preliminary Determination in the Investigation of Foundry Coke from the People's Republic of China—Facts Available Corroboration Memorandum from Alex Villanueva to James C. Doyle,* dated February 27, 2001.

Accordingly, for the preliminary determination, the PRC-wide rate is 214.89 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.

Minmetals fully responded to all of our requests for information within the established deadlines. Therefore, for Minmetals, we did not resort to facts available in calculating a margin for Minmetals.

On the other hand, CITIC, Sinochem, and Shanxi Grand Coalchem did not fully respond to our Section D questionnaire within the established deadlines. Specifically, the aforementioned respondents did not comply with our request in the original questionnaire to provide Section D questionnaire responses from all of their suppliers of foundry coke.

CITIC, Sinochem, and Shanxi Grand Coalchem initially claimed that they could not obtain responses from all of their suppliers because certain suppliers were shut down for environmental reasons. Respondents further clarified that those suppliers for which they were unable to submit section D information are unrelated to respondents and represent only a small percentage of the sales quantity supplied to respondent exporters. Subsequently, in a supplemental questionnaire dated January 26, 2001, we asked CITIC, Sinochem, and Shanxi Grand Coalchem to provide evidence substantiating their claim that certain of their suppliers were shut down. We also requested that they provide a copy of the notification to the government of the company closure and to indicate when the company shutdown and to describe the nature of the shutdown. In response to these requests, CITIC, Sinochem and Shanxi Grand Coalchem submitted a copy of a government decree ordering the closure of environmentally hazardous foundry coke plants. (*See* February 8, 2001 Supplemental Questionnaire response.) In addition, CITIC and Shanxi Grand Coalchem provided letters from some of the non-responsive suppliers which indicated that these suppliers expressed that they would not participate in this investigation.

We preliminarily find that CITIC, Sinochem, and Shanxi Grand Coalchem did not act to the best of their ability in obtaining Section D responses from their suppliers. As for the suppliers which expressed a lack of interest in participating in this investigation, CITIC, Sinochem and Shanxi Grand Coalchem did not act to the best of their ability in urging these suppliers to comply with our requests for information. Furthermore, these suppliers are interested parties that, by withholding requested information, have failed to cooperate by not acting to

the best of their abilities. As for the other non-responsive suppliers claimed to have been shutdown, we determined the information submitted did not sufficiently demonstrate their suppliers were in fact shut down by the government since the government document did not provide names of the foundry coke producers subject to the governmental decree or any other information that would suggest that any specific company had been shut down.

For the above reasons, we find that CITIC, Sinochem and Shanxi Grand Coalchem did not act to the best of their ability in obtaining section D responses from all of their suppliers; therefore, we find that the application of adverse facts available is warranted. As adverse facts available, we applied the highest calculated normal value for each respondent to the total volume of that respondent's merchandise produced by each non-responsive supplier. We then weight-averaged these resulting normal values with the calculated normal values to derive each appropriate respondent's preliminary margin.

One supplier of both Shanxi Grand Coalchem and Sinochem failed to provide freight information for the raw material input coking coal. Specifically, this supplier failed to list the number and names of the coking coal suppliers, distances from the supplier, and quantities purchased. This information was requested twice by the Department. (*See* Antidumping Questionnaire dated November 7, 2000 and Supplemental Questionnaire dated January 26, 2001.) Therefore, since this information was requested twice by the Department and not supplied, we have determined that Shanxi Grand Coalchem and Sinochem did not act to the best of their ability in obtaining freight information for coking coal, and, thus, adverse facts available is warranted. As adverse facts available, we used the highest calculated freight value for coking coal among the suppliers for each respondent.

Sinochem failed to report a portion of its sales of foundry coke that are subject to this investigation. In our supplemental questionnaires dated December 20, 2000 and January 26, 2001, we requested Sinochem to report this sale; however, Sinochem did not report this sale, claiming that the amount of subject merchandise in this sale is minimal. As Sinochem has failed to provide any information regarding a sale of subject merchandise to the United States and since this information was requested twice by the Department, as adverse facts available, we applied the rate from the petition, as applied for the PRC-wide rate, to the total volume of the sale potentially representing subject merchandise. We then weight-averaged this margin with the calculated margin to derive Sinochem's preliminary margin.

Surrogate Country

When investigating imports from an NME country, section 773(c)(1) of the Act directs the Department, in most circumstances, to base normal value (''NV'') on the NME producer's factors of production, valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, the Department, in valuing the factors of production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are at a level of economic development comparable to the NME country and are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that India, Pakistan, Sri Lanka, Egypt, Indonesia, and the Phillippines are countries comparable to the PRC in terms of economic development. *See Memorandum from Jeff May to Edward Yang: Antidumping Duty Investigation on Foundry Coke Products from the People's Republic of China,* dated January 9, 2001. Customarily, we select an appropriate surrogate based on the availability and reliability of data from these countries. For PRC cases, the primary surrogate has often been India if it is a significant producer of comparable merchandise. In this case, we have found that India is a significant producer of comparable merchandise.

We used India as the primary surrogate country and, accordingly, we have calculated NV using Indian prices to value the PRC producers' factors of production, when available and appropriate. *See* Surrogate Country Selection Memorandum to The File from James Doyle, Program Manager, dated February 27, 2001, (''*Surrogate Country Memorandum*''). We have obtained and relied upon publicly available information wherever possible. *See Factor Valuation Memorandum to The File from Alex Villanueva and Doreen Chen*, dated February 27, 2001 (''*Factor Valuation Memorandum*'').

In accordance with section 351.301(c)(3)(i) of the Department's regulations, for the final determination in an antidumping investigation, interested parties may submit publicly available information to value factors of production within 40 days after the date of publication of this preliminary determination.

Fair Value Comparisons

To determine whether sales of foundry coke to the United States by CITIC, Minmetals, Sinochem, and Shanxi Grand CoalChem 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. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs.

Export Price

In accordance with section 772(a) of the Act, we used EP because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation and because constructed export price was not otherwise indicated. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NVs. *See Valuation Memorandum.* We calculated EP based on prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight and brokerage, billing adjustments and handling.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We calculated NV based on factors of production reported by each respondent. For a further discussion, see the *Analysis Memo.* We valued all the input factors using publicly available published information as discussed in the ''Surrogate Country'' and ''Factor Valuations'' sections of this notice.

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI. To calculate NV, the reported per-unit factor quantities were multiplied by publicly available Indian surrogate values. In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As

appropriate, we adjusted input prices by including freight costs to make them delivered prices. We added to Indian surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States*, 117 F. 3d 1401 (Fed. Cir. 8342 1997). For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices published in the International Monetary Fund's International Financial Statistics.

We valued the factors of production as follows: to value paper, coking coal, supplementary coke and wood, we used the weighted-average unit import values derived from the *Monthly Trade Statistics of Foreign Trade of India—Volume II—Imports* (''*Indian Import Statistics*'') for the period of April 1998 through March 1999, adjusted for inflation through the POI. We rejected the surrogate value for coking coal provided by respondents since the coking coal value provided was for a significantly lower quality of coking coal than that which is actually used by foundry coke producers.

To value electricity, we used data reported as the average Indian domestic prices within the category ''Electricity for Industry,'' published in the International Energy Agency's publication, *Energy Prices and Taxes,* Fourth Quarter, 1999.

We used Indian transport information to value transport for raw materials. For domestic inland freight (truck), we used a price quote from an Indian trucking company, adjusted for inflation through the POI. For domestic inland freight (rail), we used freight rates as quoted from Indian Railway Conference Association price lists, adjusted for inflation through the POI.

To value factory overhead, selling, general and administrative expenses (''SG&A''), and profit, we calculated simple average rates based on financial information from an Indian foundry coke producer. (For a further discussion of the surrogate values for overhead, SG&A and profit, see the *Factor Valuation Memorandum*.) For labor, consistent with section 351.408(c)(3) of the Department's regulations, we used the PRC regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in May 2000 (*see http:// ia.ita.doc.gov/wages*). The source of the wage rate data on the Import Administration's Web site can be found in the *1999 Year Book of Labour Statistics*, International Labor Office (Geneva: 1999), Chapter 5B: Wages in Manufacturing.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify all company information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the U.S. 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, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin
Shanxi Grand Coalchem Industrial Co., Ltd.[3]	147.21
Sinochem International Co., Ltd	211.42
Minmetals Development Co., Ltd.[4]	140.18
CITIC Trading Company, Ltd	136.52
PRC-Wide	214.89

[3] Otherwise known as Shanxi Dajin International (Group) Co. Ltd.

[4] Otherwise known as Minmetals Townlord Technology Co., Ltd.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. *See* 19 CFR 351.309(c)(1)(i); 19 CFR 351.309(d)(1). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This 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, any hearing will be held fifty-seven days after publication of this notice at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

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 date of publication of this notice. *See* 19 CFR 351.310(c). 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. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. *See* 19 CFR 351.310(c).

If this investigation proceeds normally, we will make our final determination no later than 75 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. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 27, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5627 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–351–828)

Administrative Review of the Suspension Agreement on Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Ferrier at (202) 482–1394, Phyllis Hall at (202) 482–1398, or Dena Aliadinov at (202) 482–3362, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (''the Department'') to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested, and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On July 6, 1999, the Department entered into Antidumping Duty Suspension Agreement regarding certain hot-rolled flat-rolled carbon-quality steel products (''hot-rolled steel'') from Brazil produced by Companhia Siderurgica Nacional (''CSN''), Usinas Siderurgicas de Minas Gerais (''USIMINAS''), and Companhia Siderurgica Paulista (''COSIPA''). This agreement was entered into under section 734(c) of the Tariff Act of 1930, as amended, requiring, among other things, that the estimated margin of each entry under the suspension agreement does not exceed 15 percent of the margin found in the investigation. In addition, the Agreement requires that sales of subject merchandise are not made below the reference price (calculated quarterly, to match the market). On July 28, 2000, petitioners requested that the Department conduct an administrative review of the agreement. The Department initiated this review on September 6, 2000. See 65 FR 53980 (September 6, 2000). The preliminary results are due not later than April 2, 2001.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limits mandated by section 751 (a)(3)(A) of the Act. The Department is therefore extending the time limit for completion of the preliminary results by 120 days, until July 31, 2001. See Decision Memorandum from Richard Weible to Joseph A. Spetrini, dated February 26, 2001, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This extension of the time limit is in accordance with section 751 (a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: February 27, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement, Group III.

[FR Doc. 01–5626 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–810]

Mechanical Transfer Presses From Japan: Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review: Mechanical transfer presses from Japan.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on mechanical transfer presses (MTPs) from Japan in response to a request by respondent, Komatsu, Ltd (Komatsu). Petitioner is Verson Division of Allied Products Corp. This review covers shipments of this merchandise to the United States during the period of February 1, 1999 through January 31, 2000. We have preliminarily determined that U.S. sales have not been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to liquidate entries without regard to antidumping duties. Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Sally Gannon, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0666 or (202) 482–0162, respectively.

Applicable Statute

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

Background

The Department published an antidumping duty order on MTPs from Japan on February 16, 1990 (55 FR 5642). On March 30, 2000, we published a notice initiating an administrative review of MTPs (65 FR 16875). The review covers one manufacturer, Komatsu, which requested the review.

Due to complicated issues in this case, the Department extended the deadline for the preliminary results of this antidumping duty administrative review on October 24, 2000. *See Mechanical Transfer Presses From Japan: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review,* 65 FR 64666 (October 30, 2000).

Scope of Review

Imports covered by this review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive. The term ''mechanical transfer presses''

refers to automatic metal-forming machine tools with multiple die stations in which the work piece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled. This review does not cover certain parts and accessories, which were determined to be outside the scope of the order. (*See* ''Final Scope Ruling on Spare and Replacement Parts,'' U.S. Department of Commerce, March 20, 1992; and ''Final Scope Ruling on the Antidumping Duty Order on Mechanical Transfer Presses (MTPs) from Japan: Request by Komatsu, Ltd.,'' U.S. Department of Commerce, October 3, 1996.) This review covers one manufacturer of MTPs, and the period February 1, 1999 through January 31, 2000.

Verification

As provided in section 782(i) of the Act, we verified information provided by Komatsu using standard verification procedures, including on-site inspection of the manufacturer's facilities and the examination of relevant sales and financial records. Our verification results are outlined in public and proprietary versions of the verification report, which are on file in the Central Records Unit of the Department.

Normal Value Comparisons

To determine whether respondent's sales of the subject merchandise to the United States were made at less than NV, we compared its export price to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice.

Export Price

We calculated an export price (EP) in accordance with section 772(a) of the Act. We calculated EP for Komatsu based on the packed, prepaid price to the U.S. customer. We made deductions from the starting price for Japanese inland freight and insurance, brokerage and handling, international freight, marine insurance, U.S. inland freight, and supervision, in accordance with section 772(c)(2) of the Act.

Normal Value

We preliminarily determine that the use of constructed value (CV) is warranted to calculate NV for Komatsu, in accordance with section 773(a)(4) of the Act. While the home market is viable, sales made to the United States do not permit proper price-to-price comparisons with sales made in the home market. MTPs are made to each customer's specifications, resulting in significant differences among machines. Therefore, we have resorted to the use of CV. This decision is consistent with Department precedent in this proceeding. *See, e.g., Mechanical Transfer Presses from Japan; Preliminary Antidumping Duty Administrative Review, and Intent to Revoke Order in Part,* 63 FR 11211, 11213 (March 6, 1998).

We note that in past proceedings involving large, custom-built capital equipment, in addition to prior reviews of this order, we have normally resorted to CV. *See, e.g., Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 62700, 62702 (Oct. 19, 2000); *Large Power Transformers from France: Final Result of Antidumping Administrative Review,* 61 FR 40403, (Aug. 2, 1996). CV consists of cost of design, direct materials, direct labor, variable overhead, fixed overhead, product-line R&D, and loss on disposals of inventories (yielding total cost of manufacturing), plus general and administrative expenses, net interest expense, profit, and U.S. packing expenses. We added to CV amounts for direct selling expenses (i.e., warranties, credit, and commissions) for merchandise exported to the United States. We subtracted home market direct selling expenses (i.e., warranties and credit).

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/ exporter	Time period	Margin
Komatsu, Ltd ..	2/01/99–1/31/00	0.99

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, not later than 120 days after the date of publication of this notice.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit rate will be effective upon publication of the final results of this administrative review for all shipments of MTPs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Komatsu, the cash deposit rate will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the rate established in the LTFV investigation, which is 14.51 percent. *See Notice of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Mechanical Transfer Presses from Japan,* dated September 15, 1997. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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 double antidumping duties.

This administrative review and notice are issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C 1677f(i)(1)). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5621 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–506]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Oil Country Tubular Goods From Canada

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

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

SUMMARY: In response to a request from the respondent, Atlas Tube, Inc. (Atlas), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Canada. This review covers one manufacturer/exporter, Atlas, and the period June 1, 1999 through December 31, 1999. The period of review (POR) specified by the Department's opportunity to request administrative review was June 1, 1999 through May 31, 2000. *See Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation* 65 FR 38242 (June 20, 2000). However, the Department revoked this antidumping duty order effective January 1, 2000; therefore, this administrative review only covers the period June 1, 1999 through December 31, 1999. *See Notice of Revocation of Antidumping Duty Orders: Circular Welded Non-Alloy Steel Pipe and Tube from Venezuela; Small Diameter Standard and Rectangular Pipe and Tube from Singapore; and Oil Country Tubular Goods from Canada and Taiwan* 65 FR 50954 (August 22, 2000).

We have preliminarily determined the dumping margin for Atlas to be 6.56 percent.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Michele Mire, Office 4, Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5253 or (202) 482–4711 respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

The Department published an antidumping duty order on OCTG from Canada on June 16, 1986 (51 FR 21782) and an amended order on August 19, 1986 (51 FR 29579). On June 20, 2000, the Department published an Opportunity to Request Administrative Review (65 FR 38242). On July 9, 2000, Atlas Tube, Inc. requested the Department to initiate an administrative review pursuant to section 751(a)(1) of the Act, and 19 CFR 351.213(b)(2). We initiated this administrative review on July 31, 2000 (65 FR 46687) for the period June 1, 1999, through May 31, 2000. On August 22, 2000, the Department revoked the antidumping duty order effective January 1, 2000 (65 FR 50954). Due to the revocation of the antidumping duty order, we analyzed sales of the subject merchandise for the period June 1, 1999, through December 31, 1999, rather than the entire POR specified by the Department's opportunity to request administrative review.

The Department issued its questionnaire on August 28, 2000, and received Atlas' responses to Sections A, B, C, and D (corporate structure, home market sales, U.S. sales, and cost of production/constructed value, respectively) on October 30, 2000, and supplemental responses on December 21, 2000.

The Department is conducting this administrative review in accordance with section 751(a)(1) of the Act.

Scope of the Review

The products covered by this review include shipments of OCTG from Canada. This includes American Petroleum Institute (API) specification OCTG and all other pipe with the following characteristics except entries which the Department determined through its end-use certification procedure were not used in OCTG applications: Length of at least 16 feet; outside diameter of standard sizes published in the API or proprietary specifications for OCTG with tolerances of plus ⅛ inch for diameters less than or equal to 8⅝ inches and plus ¼ inch for diameters greater than 8⅝ inches, minimum wall thickness as identified for a given outer diameter as published in the API or proprietary specifications for OCTG; a minimum of 40,000 PSI yield strength and a minimum 60,000 PSI tensile strength; and if with seams, must be electric resistance welded. Furthermore, imports covered by this review include OCTG with non-standard size wall thickness greater than the minimum identified for a given outer diameter as published in the API or proprietary specifications for OCTG, with surface scabs or slivers, irregularly cut ends, ID or OD weld flash, or open seams; OCTG may be bent, flattened or oval, and may lack certification because the pipe has not been mechanically tested or has failed those tests. This merchandise is currently classifiable under the Harmonized Tariff Schedules (HTS) item numbers 7304.20, 7305.20, and 7306.20. The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

United States Price

Atlas reported all United States sales of subject merchandise as export price (EP) transactions sold to unaffiliated U.S. customers prior to importation.

We calculated EP, in accordance with section 772(a) of the Act, because the merchandise was sold by the manufacturer/exporter Atlas in the exporting country to the first unaffiliated purchaser in the United States prior to importation and because evidence on the record did not otherwise warrant constructed export price (CEP) methodology. We based EP on the delivered price to unaffiliated purchasers in the United States. We adjusted the starting price by the amount Atlas reported for billing adjustments and made deductions from the starting price for discounts. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included foreign inland freight, U.S. inland freight, and U.S. brokerage and handling charges.

Normal Value

After testing (1) home market viability and (2) whether home market sales were made at below-cost prices, we calculated normal value (NV) as noted in the ''Price-to-Price Comparisons'' section of this notice.

1. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared Atlas' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1) of the Act. Because Atlas' aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable for Atlas.

2. Cost of Production Analysis

Section 773(b)(2)(A)(ii) of the Act provides that there are reasonable grounds to believe or suspect that sales of the foreign like product were made at prices that are less than the cost of production (COP) of the product if we disregarded some or all of a specific exporter's sales below COP in the last completed administrative review of that exporter. In the last administrative review of this order which covered the period December 1, 1998, through May 31, 1999, we found sales below COP for Atlas which were disregarded. *See Notice of Preliminary Results of Antidumping Duty Administrative Review* 65 FR 36407, 36409 (June 8, 2000). As a result, the respondent provided COP information in response to Section D of the Department's antidumping duty questionnaire, on which we based our COP analysis as described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of Atlas' cost of materials and fabrication for the foreign like product, plus an amount for home market selling, general and administrative expenses (SG&A), including interest expenses, and packing costs.

B. Test of Home Market Sales Prices

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

C. Results of the COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of respondent's sales of a given product during the POR were at prices less than the COP, we determined such sales to be made in ''substantial quantities'' within an extended period of time in accordance with section 773(b)(1)(A) of the Act. In the instant case, we compared Atlas' home market prices to weighted-average COPs for the POR, and therefore determined that below-cost sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. Therefore, we disregarded such below-cost sales.

Level of Trade

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

To determine whether NV sales are at a different LOT than the U.S. sales, we examined stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and home market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

Atlas reported one customer category and one channel of distribution (i.e., sales to unaffiliated distributors) for its home market sales. For its EP sales, Atlas also reported one customer category and one channel of distribution (*i.e.*, direct sales to unaffiliated distributors). Atlas claimed in its response that its EP sales were made at the same LOT as home market sales to unaffiliated distributors. For this reason, Atlas has not asked for a LOT adjustment to NV for comparison to its EP sales.

In determining whether separate LOTs actually existed in the home market and U.S. market, we examined whether Atlas' sales involved different marketing stages (or their equivalent) based on the channel of distribution, customer categories and selling functions. Atlas reported that its selling functions for home market sales are arranging for freight, warehousing, and warranty service; however, we noted that Atlas did not report any warehouse or warranty expenses for home market sales during the POR. After reviewing the record evidence for this current review, we agree with Atlas that its home market sales comprise a single LOT.

In analyzing Atlas' selling activities for its EP sales, we noted that the sales generally involved the same selling functions associated with the home market LOT described above. Atlas reported that these selling activities included arranging for freight, warehousing, and warranty services; however, Atlas reported that it did not incur any warehouse or warranty expenses for U.S. market sales during the POR. Based upon the record evidence for this current review, we have determined that there is one LOT for all EP sales and that it is the same LOT as in the home market. Therefore, because we find that the U.S. sales and home market sales are at the same LOT, we determine that a LOT adjustment under section 773(a)(7)(A) is not warranted.

Price-to-Price Comparisons

We calculated NV based on delivered prices to unaffiliated customers. The NV price was reported on a Goods and Services Tax-exclusive basis. We adjusted the starting price by the amount Atlas reported for billing adjustments. We made deductions from the starting price for rebates, inland freight, and inland freight insurance. We made adjustments for differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We made further adjustments, under section 773(a)(6)(C)(iii) of the Act, for

differences in circumstances of sale for imputed credit expenses. Finally, we deducted home market packing costs and added U.S. packing costs in accordance with sections 773(a)(6)(A) and (B) of the Act.

Currency Conversion

Pursuant to section 773A(a) of the Act, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of this review, we preliminarily determine that a 6.56 percent dumping margin exists for Atlas for the period June 1, 1999 through December 31, 1999.

The Department will disclose the calculations we performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within thirty days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument. Further, we would appreciate it if parties submitting written comments also provide the Department with an additional copy of the public version of those comments on diskette.

Upon completion of this administrative review, the Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. There was only one importer during the POR for merchandise sold by Atlas. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of examined sales. Atlas reported entered value by subtracting discounts, freight, and brokerage and handling costs from the reported U.S. price. Where the importer-specific rate is above *de minimis*, we will instruct Customs to assess duties on that importer's entries of subject merchandise. The Department will issue appraisement instructions directly to Customs.

Pursuant to section 751(d)(2) of the Act, on August 22, 2000, the Department revoked the antidumping duty order on OCTG from Canada, effective January 1, 2000 (65 FR 50954). Therefore, we instructed Customs to liquidate all entries of subject merchandise made on or after January 1, 2000, without regard to antidumping duties. Therefore, we will not issue cash deposit instructions to Customs based on the results of this review.

This notice also serves as a preliminary 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 double antidumping duties.

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

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5628 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Initiation of Antidumping New Shipper Review

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

ACTION: Notice of Initiation of Antidumping New Shipper Review.

SUMMARY: The Department of Commerce (''the Department'') has received a request from Groupstars Chemical Co. Ltd. (''Shandong'') (''Groupstars'') to conduct a new shipper review of the antidumping duty order on potassium permanganate from the People's Republic of China (''PRC''). In accordance with 19 CFR 351.214(d) of the Department's regulations, we are initiating this new shipper review.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–5193 respectively.

The Applicable Statute and Regulations

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

Background

On January 30, 2001 the Department received a request, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on potassium permanganate.

On February 7, 2001 the Department received comments from Carus Chemical Company (''petitioner'') in response to Groupstars' request for a new shipper review. Petitioner argued that the Department should reject Groupstars' request based on errors in Groupstars' certifications and alleged that Groupstars is affiliated with a company that exported potassium permanganate to the United States during the period of investigation (''POI''). On February 20, 2001 the Department sent a letter to Groupstars requesting that it clarify inconsistencies with respect to, among other things, its certifications. On February 22, 2001, Groupstars responded to the Department's letter by clarifying and correcting these inconsistencies. Also on February 22, 2001, petitioner objected to the Department providing Groupstars with an opportunity to correct its request for review and restated its argument that respondent's request for review is deficient and thus, a review should not be initiated. On February 27, 2001, Groupstars clarified that it was requesting the review on behalf of Groupstars Chemical Co., Ltd.

(Shandong) People's Republic of China, the producer/exporter of the merchandise.

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), Groupstars' January 30, 2001 request for review, as corrected in its February 22, 2001 submission, certified that it did not export the subject merchandise to the United States during the POI and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), Groupstars' corrected request certified that its export activities are not controlled by the central government of the PRC.

In addition, pursuant to 19 CFR 351.214(b)(2)(iv), Groupstars' request contained documentation establishing: the date after the POI on which Groupstars first shipped the subject merchandise for export to the United States, the volume of that shipment, and the date of the first sale to an unaffiliated customer in the United States.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide de jure and de facto evidence of an absence of government control over the company's export activities. *See Certain Preserved Mushrooms from the People's Republic of China: Initiation of New Shipper Antidumping Duty Review,* 65 FR 17257 (March 31, 2000). Accordingly, we will issue a separate rates questionnaire to the above-named respondent. If the respondent provides sufficient evidence that it is not subject to either de jure or de facto government control with respect to its exports of potassium permanganate, this review will proceed. If, on the other hand, Groupstars does not meet its burden to demonstrate its eligibility for a separate rate, then Groupstars will be deemed to be affiliated with other companies that exported during the POI. This review will then be terminated due to failure of the exporter or producer to meet the requirements of section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(B).

Initiation of Review

The antidumping duty order on potassium permanganate from the PRC has a January anniversary month. *See Antidumping Duty Order: Potassium Permanganate From the People's Republic of China,* 49 FR 3897 (January 31, 1984). The Department received Groupstars' request for review on January 30, 2001. The Department's regulations provide that it will initiate a new shipper review in the calendar month immediately following the anniversary month if the request for the review is made during the six-month period ending with the end of the anniversary month. *See* 19 CFR 351.214(d)(1).

Although Groupstars' request may have been deficient in some respects, at the Department's request, Groupstars promptly clarified and corrected the deficiencies in its request prior to the Department's deadline for initiating this review, i.e. prior to the end of the month immediately following the anniversary month (February). With respect to petitioner's allegation of affiliation, the Department will examine this issue during the course of this review.

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d), we are initiating a new shipper review of the antidumping duty order on potassium permanganate from the PRC. We intend to issue the preliminary results of this review not later than 180 days after the date on which the review is initiated.

Pursuant to 19 CFR 351.214(g)(1)(i)(A) of the Department's regulations, the period of review (''POR'') for a new shipper review initiated in the month immediately following the anniversary month will be the twelve-month period immediately preceding the anniversary month. Therefore, the POR for this new shipper is:

Antidumping duty proceeding	Period to be reviewed
Potassium Permanganate from the PRC, A–570–001:	
Groupstars Chemical, Co. Ltd. (''Shandong'')	1/1/00–12/31/00

Subject to receipt of an adequate separate rates questionnaire response from the respondent, we will instruct the U.S. Customs Service to suspend liquidation of unliquidated entries of subject merchandise from the above company and allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, until the completion of the review.

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: February 28, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, For Import Administration.

[FR Doc. 01–5771 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–813]

Certain Preserved Mushrooms from India: Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: In response to timely requests by three manufacturer/exporters and petitioners,[1] on March 30, 2000, the Department of Commerce published a notice of initiation of an administrative review of the antidumping duty order on certain preserved mushrooms from India with respect to twelve companies: Agro Dutch Foods Ltd., Alpine Biotech Ltd., Dinesh Agro Products Ltd., Flex Foods Ltd., Himalya International Ltd., Hindustan Lever Ltd. (formerly Ponds India Ltd.), Mandeep Mushrooms Ltd., Premier Mushroom Farms, Saptarishi Agro Industries Ltd., Techtran Agro Industries Limited, Transchem Ltd., and Weikfield Agro Products Ltd.

On June 22, 2000, we received a timely submission from the petitioners to withdraw their request for administrative review for Alpine Biotech, Ltd., Dinesh Agro Products Ltd., Flex Foods Ltd., Mandeep Mushrooms Ltd., Premier Mushroom Farms, Saptarishi Agro Industries Ltd., and Transchem Ltd. On July 18, 2000, the Department published a notice of partial recission of the antidumping duty administrative review with respect to the above-mentioned companies (65 FR 44522). The period of review is August 5, 1998, through January 31, 2000.

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in

[1] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushrooms Canning Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.

our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger, Katherine Johnson, or Dinah McDougall, Office 2, AD/CVD Enforcement Group I, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136, (202) 482–4929, or (202) 482–3773, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On December 31, 1998, the Department published in the **Federal Register** (63 FR 72246) the final affirmative antidumping duty determination on certain preserved mushrooms from India. On February 19, 1999, the Department published an amended final determination and antidumping duty order (64 FR 8311) .

On February 14, 2000, the Department published a notice advising of the opportunity to request an administrative review of the antidumping duty order on certain preserved mushrooms from India (65 FR 7348). In response to timely requests by three manufacturer/exporters, Agro Dutch Foods Ltd. (Agro Dutch), Himalya International Ltd. (Himalya), and Hindustan Lever Ltd. (formerly Ponds India Ltd.) (HLL), and the petitioners, the Department published a notice of initiation of an administrative review with respect to twelve companies: Agro Dutch, Alpine Biotech Ltd. (Alpine Biotech), Dinesh Agro Products Ltd. (Dinesh Agro), Flex Foods Ltd. (Flex Foods), Himalya, HLL, Mandeep Mushrooms Ltd. (Mandeep), Premier Mushroom Farms (Premier), Saptarishi Agro Industries Ltd. (Saptarishi), Techtran Agro Industries Limited (Techtran), Transchem Ltd. (Transchem), Weikfield Agro Products Ltd. (Weikfield) (65 FR 16875, March 30, 2000). The period of review (POR) is August 5, 1998, through January 31, 2000.

On March 29, 2000, the Department issued antidumping duty questionnaires to the above-mentioned twelve companies. We received responses to the original questionnaire during the period March 2000 through May 2000. We issued supplemental questionnaires to the five respondents for which the reviews were not rescinded (see below) and received responses for them during the period August 2000 through February 2001.

On June 16, 2000, the Department received allegations from the petitioners that Techtran and Weikfield sold certain preserved mushrooms in India at prices below the cost of production (COP). On July 18, 2000, the Department initiated cost investigations of Techtran's and Weikfield's home-market sales of this merchandise.

On June 22, 2000, we received a timely submission from the petitioners withdrawing their request for administrative review for Alpine Biotech, Dinesh Agro, Flex Foods, Mandeep, Premier, Saptarishi, and Transchem. On July 18, 2000, the Department published a notice of partial recission of the antidumping duty administrative review with respect to the above-mentioned companies (65 FR 44522).

On July 28, 2000, the Department extended the time limit for the preliminary results in this review until February 28, 2001. *See Certain Preserved Mushrooms from India and Indonesia: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 46426.

We conducted verification of Weikfield's, Techtran's, and Himalya's questionnaire responses during the period November 2000 through January 2001. The verification reports are on file in Room B–099 of the Commerce Department. The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of the Review

The products covered by this review are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this review are the species *Agaricus bisporus* and *Agaricus bitorquis.* ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this review are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this review are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms''; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this review is classifiable under subheadings 2003.10.00.27, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheadings are provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Verification

As provided in section 782(i) of the Act, we conducted verifications of Himalya, Techtran, and Weikfield from November 2000 through January 2001. We conducted the verifications using standard verification procedures including on-site inspection of the manufacturers' facilities, the examination of relevant accounting, sales, and other financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports which are on file in the Central Records Unit (CRU) in room B–099 of the Main Commerce Building.

Based on verification, we made certain changes to data in the sales listings submitted by Himalya, Techtran, and Weikfield used to calculate the preliminary margins (*see* below and the company-specific calculation memoranda dated February 28, 2001).

Fair Value Comparisons

To determine whether sales of certain preserved mushrooms by the respondents to the United States were made at less than normal value, we compared constructed export price (CEP) or export price, as appropriate, to the normal value, as described in the ''Export Price/Constructed Export Price'' and ''Normal Value'' sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the export prices of individual U.S. transactions to the weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade, as discussed in the ''Cost of Production Analysis'' section below.

In this proceeding, neither HLL nor Himalya had a viable home or third country market. Therefore, as the basis for normal value, we used constructed value when making comparisons in accordance with section 773(a)(4) of the Act.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondents covered by the description in the ''Scope of the Review'' section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. With respect to Agro Dutch, Techtran, and Weikfield, we compared U.S. sales to sales made in the home or third country market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home or third country market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. For those U.S. sales of mushrooms for which there were no comparable home or third country market sales in the ordinary course of trade (*i.e.,* above cost), we compared U.S. sales to constructed value.

In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: Preservation method, container type, mushroom style, weight, grade, container solution, and label type.

For HLL and Himalya, we compared U.S. sales to constructed value because these respondents had insufficient home market and/or third country sales during the POR. *See* ''Normal Value'' section below for further discussion.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade (LOT) as the export price or CEP transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For export price, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to an unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer, after the deductions required under section 772(d) of the Act. To determine whether normal value sales are at a LOT different from export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the normal value level is more remote from the factory than the CEP level, and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731 (November 19, 1997).

We note that the U.S. Court of International Trade (CIT) has held that the Department's practice of determining LOTs for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See Borden, Inc.* v. *United States,* 4 F. Supp. 2d 1221, 1241–42 (CIT 1998) (*Borden*). The Department believes, however, that its practice is in full compliance with the statute. On June 4, 1999, the CIT entered final judgement in *Borden* on the LOT issue. *See Borden Inc.* v. *United States,* Court No. 96–08–01970, Slip Op. 99–50 (CIT June 4, 1999). The government has filed an appeal of *Borden* which is pending before the U.S. Court of Appeals for the Federal Circuit. Consequently, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) prior to starting a LOT analysis, as articulated by the Department's regulations at § 351.412.

Both Techtran and Weikfield claimed that they were unable to calculate a LOT adjustment and, instead, reported home market indirect selling expenses as a surrogate LOT adjustment. We have undertaken an evaluation to determine whether such an adjustment is necessary. In so doing, we examined both respondents' distribution systems, including selling functions, classes of customers, and selling expenses. Techtran sold to distributors in both markets. Weikfield provided no basis in its questionnaire responses to establish that it had multiple levels of trade in either market for purposes of this adjustment. With regard to Agro Dutch, all sales in both markets are made through one channel of distribution. Accordingly, all comparisons are at the same level of trade for Agro Dutch, Techtran and Weikfield and an adjustment pursuant to section 773(a)(7)(A) is not warranted.

With regard to HLL and Himalya, we compared all U.S. sales to constructed value, as noted above. As we could not determine the LOT of the sales from which we derived the profit for constructed value, we could not determine whether there is a difference in LOT between any U.S. sales and constructed value. Therefore, we made no LOT adjustment nor a CEP offset (in the case of Himalya) to normal value.

Export Price/Constructed Export Price

For Agro Dutch, HLL, Techtran and Weikfield, we used export price methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise indicated. With respect to Himalya, we calculated CEP in accordance with section 772(b) of the Act, because the subject merchandise was first sold by Trans Atlantic or Global Reliance after importation into the United States. We based export price and CEP on packed prices to unaffiliated purchasers in the United States. For all respondents, for those sales for which the payment date was not reported, we calculated credit based on the higher of either the average number of days between shipment and payment using the sales for which payment information was reported, or the most recent questionnaire response date.

Agro Dutch

We were unable to determine the appropriate date of sale for certain U.S. sales because Agro Dutch failed to provide the requested sales documentation for these sales. Section 776(a)(2)(B) of the Act provides that the Department will, subject to section 782(d), use the facts otherwise available in reaching a determination if a respondent fails to provide necessary 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'' (of the Act). In accordance with section 776(a)(2)(B) of the Act, in these preliminary results we find it necessary to use partial facts available where Agro Dutch did not provide us with information necessary to conduct our date of sale analysis. Section 782(c)(1) does not apply because Agro Dutch did not provide a full explanation of why it was not able to submit this information on time. Moreover, pursuant to section 782(d), Agro Dutch was specifically informed that it was required to submit this information, yet it failed to do so and failed to provide any explanation for this deficiency. Finally, under section 782(e), the Department concludes that Agro Dutch did not act to the best of its ability in responding to requests for this information (see discussion below).

The date of sale affects the contemporaneous pool of home market sales to which the U.S. sale is to be compared, and the exchange rate for converting costs and expenses in foreign currencies. Because we cannot identify the appropriate date of sale for the transactions in question, we are unable to determine the appropriate contemporaneous home market comparison sales. Therefore, as facts available, we have compared these U.S. sales to a normal value based on constructed value. As we cannot identify the date of sale for purposes of currency conversions, we have applied the highest exchange rate during the POR for all currency conversions involving these sales, as facts available.

The Department is authorized, under section 776(b) of the Act, to use an inference that is adverse to the interest of a party if the Department finds that the party has failed to cooperate by not acting to the best of its ability to comply with the Department's request for information. In both the March 29, 2000, questionnaire and the July 18, 2000, supplemental questionnaire, we specifically requested copies of any sales contracts or agreements with its U.S. customers. At page 1 of the business proprietary version of the August 15, 2000, supplemental questionnaire response, Agro Dutch indicates that a relevant sales document exists with respect to these sales, but did not include it in its response. Accordingly, we find that Agro Dutch has not cooperated with respect to providing this information and an adverse inference is warranted in applying facts available for the dates of sale for these transactions.

Agro Dutch reported the per-unit expense incurred for the Indian Customs fee ''CESS,'' which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response.

Agro Dutch reported its U.S. sales as sold on an FOB, C&F, or CIF basis, indicating that, at a minimum, it was responsible for all movement expenses necessary to transport the goods to the Indian port and load them onto a vessel. However, Agro Dutch did not report foreign inland freight, foreign inland insurance, and foreign brokerage and handling on its FOB sales. As a result, pursuant to section 776(a)(2)(B) of the Act, it was necessary to use partial facts available to conduct our analysis. Since this information was missing for only a few sales, and we did not determine that the company did not act to the best of its ability, we applied the average expense incurred on the U.S. sales for which these expenses were reported as non-adverse facts available.

We made deductions from the starting price, where appropriate, for foreign inland freight, insurance and brokerage, export duty (CESS), and international freight in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a).

Himalya

We made deductions from the starting price, where appropriate, for foreign inland freight, brokerage and handling expenses, international freight, U.S. duty, U.S. inland freight, and U.S. warehousing expenses in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We also deducted indirect selling expense, credit expense, and inventory carrying costs pursuant to section 772(d)(1) of the Act and 19 CFR 351.402(b). We made an adjustment for profit in accordance with section 773(d)(3) of the Act.

At the beginning of the sales verification, Himalya provided new information on U.S. brokerage and handling expenses, which were previously unreported in the response. As explained above, section 776(a)(2)(B) of the Act provides that the Department will, subject to section 782(d), use the facts otherwise available in reaching a determination if a respondent fails to provide necessary 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'' of the Act. Himalya neglected to submit this information in a timely manner. Section 782(c)(1) does not apply because Himalya did not provide a full explanation of why it was not able to submit this information on time. Moreover, pursuant to section 782(d), Himalya was specifically informed that it was required to submit this information, yet it failed to do so and failed to provide any explanation for this deficiency. Finally, under section 782(e), the Department concludes that Himalya did not act to the best of its ability in responding to requests for this information. Where a party has not acted to the best of its ability to comply with the Department's requests for information, the Department is authorized to use an inference that is adverse to the interest of that party, pursuant to section 776(b). Accordingly, as partial adverse facts available, we applied the highest brokerage and handling expense for any entry of subject merchandise made by Himalya during the POR. We recalculated imputed credit expenses using a single interest rate for all sales, as Himalya had calculated this expense using various interest rates. We also recalculated Himalya's home market and U.S. inventory carrying costs to reflect the Department's standard methodology. Finally, we recalculated the reported indirect selling expenses incurred in the United States by collapsing the revenues and expenses of Himalya's two affiliated U.S. importers, rather than using an average of the two companies' individual rates, as reported by Himalya. (*See* the Himalya Preliminary Results Calculation Memorandum dated February 28, 2001, for further detail).

HLL

We made deductions from the starting price, where appropriate, for foreign inland freight, foreign brokerage and handling, export duty, and international freight in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We recalculated export duty using the 0.5% rate reported in the response.

Techtran

We made deductions from the starting price, where appropriate, for foreign inland freight (includes brokerage and handling), export duty, international freight, and marine insurance in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We revised international freight expenses incurred on certain sales, based on our verification findings. (*See* the Techtran Preliminary Results Calculation Memorandum dated February 28, 2001, for further detail.)

Weikfield

We made deductions from the starting price, where appropriate, for foreign inland freight, foreign brokerage and handling, international freight, CESS, U.S. duty, and other U.S. transportation expenses in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). Weikfield reported the per-unit expense incurred for CESS, which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response. We also revised the U.S. duty and transportation expenses incurred on certain sales, based on our verification findings.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value, we compared the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Techtran's and Weikfield's aggregate volume of home market sales of the foreign like product was greater than five percent of their aggregate volume of U.S. sales of the subject merchandise. Therefore, we determined that the home market provides a viable basis for calculating normal value for both Techtran and Weikfield.

With regard to Agro Dutch, we determined that the home market was not viable because Agro Dutch's aggregate volume of home market sales of the foreign like product was less than five percent of its aggregate volume of U.S. sales of the subject merchandise. However, we determined that the third country market of the Netherlands was viable, in accordance with section 773(a)(1)(B)(ii) of the Act. Therefore, pursuant to section 773(a)(1)(C) of the Act, we have used third country sales as a basis for normal value for Agro Dutch.

Both Himalya and HLL reported that during the POR they made no home market sales. Himalya did not make third country sales during the POR, while HLL's sales to third countries constituted less than five percent of its U.S. sales. Therefore, we determined that neither the home market nor any third country market was a viable basis for calculating normal value for HLL and Himalya. As a result, we used constructed value as the basis for calculating normal value for these two respondents, in accordance with section 773(a)(4) of the Act.

Cost of Production Analysis

The Department disregarded certain sales made by Agro Dutch and HLL in the less-than-fair-value (LTFV) investigation pursuant to a finding in that review that sales failed the cost test (*see Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Preserved Mushrooms from India,* 63 FR 41789 (August 5, 1998)). Thus, in accordance with section 773(b)(2)(A)(ii) of the Act, there are reasonable grounds to believe or suspect that respondents Agro Dutch and HLL made sales in the home market or third country at prices below the cost of producing the merchandise in the current review period. However, in the instant review, HLL's third country market was not viable. See ''Normal Value'' section, above. Accordingly, we cannot perform a cost test with regard to HLL. In addition, as stated in the ''Background'' section of this notice, based on a timely allegation filed by the petitioners, the Department initiated an investigation to determine whether Techtran's and Weikfield's home market sales were made at prices less than the cost of production. As a result, the Department initiated investigations to determine whether the respondents made home market or third country sales during the POR at prices below their COP within the meaning of section 773(b) of the Act.

A. Calculation of COP

We calculated the COP on a product-specific basis, based on the sum of the respondents' cost of materials and fabrication for the foreign like product, plus amounts for SG&A, interest expense, and the cost of all expenses incidental to placing the foreign like product in a condition packed ready for shipment in accordance with section 773(b)(3) of the Act.

We relied on COP information submitted by the respondents, except for the following adjustments:

Agro Dutch

We revised the general and administrative (G&A) expense rate calculation to include certain expenses that were written off. We adjusted the cost incurred used as the denominator in the calculation to exclude those expenses written off and to account for the change in work-in-process inventory.

We revised the interest expense rate to include interest expenses on working capital. We increased the denominator used in this calculation based on the same adjustments made in calculating the G&A expense rate. (*See* February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

Techtran

We disallowed Techtran's capitalization of all its costs incurred from the beginning of the POR through October 13, 1999, and the claimed start-up adjustment that was calculated based on the same period. We revised Techtran's reported costs by allowing Techtran a start-up adjustment only for the period August 1998 through October 1998.

We adjusted Techtran's reported cost of manufacturing (COM) to reflect differences in its allocation methodologies from one period versus the other and to include costs related to the auditor's adjustments.

We revised the G&A expense rate calculation to include the auditor's adjustments and capitalized G&A expenses. We adjusted the cost incurred used as the denominator in the calculation to (1) include depreciation expenses; (2) include capitalized COM; (3) exclude packing costs; and (4) account for work-in-process inventory.

We revised the financial expense rate calculation to include capitalized interest expense. We increased the denominator used in this calculation based on the same adjustments made in calculating the G&A expense rate. (*See* February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

Weikfield

We disallowed Weikfield's capitalization of production costs incurred during the POR by including the total capitalized amount net of related depreciation in the reported costs.

We adjusted Weikfield's reported COM to account for the change in the work-in-process inventory.

We revised the G&A expense rate calculation to include capitalized G&A expenses and exclude certain selling expenses. We adjusted the cost incurred used as the denominator in the calculation to include depreciation expense and exclude antidumping expenses and the change in work-in-process inventory.

We revised the financial expense rate calculation to include capitalized interest expenses, interest on affiliated party loans and exchange rate differences. We made the same adjustments to the denominator of this calculation that were made in calculating the G&A expense rate. (*See*

February 28, 2001, Calculation Memorandum to Neal Halper for a discussion of the above-referenced adjustments).

B. Test of Home Market Prices

For all respondents except Himalya and HLL, we compared the weighted-average, per-unit COP figures for the POR to home market or third country sales of the foreign like product, as required by section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market or third country sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP, consisting of the COM, G&A and interest expenses, to the net home market or third country prices, less any applicable movement charges, rebates, discounts, and direct and indirect selling expenses.

C. Results of COP Test

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

The results of our cost tests for all three of these companies indicated for certain home market products, less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining normal value.

Our cost tests also indicated that for certain other home market products more than twenty percent of home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we excluded these below-cost sales of these models from our analysis and used the remaining sales as the basis for determining normal value.

Price-to-Price Comparisons

For Agro Dutch, Techtran, and Weikfield, we based normal value on the price at which the foreign like product is first sold for consumption in the home market or third country, in the usual commercial quantities and in the ordinary course of trade, and at the same LOT as the export price or CEP, as defined by section 773(a)(1)(B)(i) of the Act.

We reduced normal value for inland freight, insurance and brokerage, and early payment and quantity discounts, where appropriate, in accordance with section 773(a)(6) of the Act and 19 CFR 351.401.

Agro Dutch reported the per-unit expense incurred for CESS on its Dutch sales, which is incurred as a percentage of sales value, on a weight-basis. We recalculated this expense on a value basis using the 0.5% rate reported in the response.

For comparisons to Agro Dutch's, Techtran's, and Weikfield's export price sales, we made a circumstance-of-sale adjustment, where appropriate, for differences in credit and commission expenses pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410.

Techtran and Weikfield reported an imputed credit expense on U.S. sales based on the letter of credit settlement date. At verification, we found that these respondents incur actual bank financing expenses and fees for discounting the letters of credit issued on U.S. sales. Accordingly, we have recalculated the imputed credit expense and added the bank's letter of credit fee based on our verification findings, as detailed in the February 28, 2001, Memorandum entitled *Weikfield Preliminary Results Margin Calculation* (Weikfield Margin Memo) and the February 28, 2001, Techtran Preliminary Results Calculation Memorandum (Techtran Calculation Memo).

For these same respondents, the reported imputed credit expenses on home market sales were based on specific periods from shipment to payment. At verification, we were unable to support this reporting as Techtran's and Weikfield's customers generally pay on a line of credit system, which was not previously described to the Department (*see* January 16, 2001, Weikfield Sales Verification Report at page 5 and February 2, 2001, Techtran Sales Verification Report at page 6). Because we were unable to tie Techtran's and Weikfield's home market payment methodology to any information submitted in the questionnaire responses, we have disallowed a circumstance-of-sale adjustment for home market imputed credit expenses.

Weikfield reported commissions paid to both affiliated and unaffiliated parties in the home market. The Department's practice is to treat payments to affiliated parties providing services that relate to the sale of merchandise as commissions if they are actual expenditures resulting from specific sales and are not intra-company transfers. The Department allows these expenses as direct deductions to price if they are at arm's length and tie directly to sales. *See Final Results of Administrative Review: Large Newspaper Printing Presses from Germany,* 66 FR 11557 (February 26, 2001), and accompanying Decision Memorandum at Comment 5. To establish whether commissions are made at arm's-length, the Department normally compares the commissions paid to affiliated selling agents to those paid by the respondent to any unaffiliated selling agents in the same market (exporting or U.S.) or in any third-country market (*see Final Determination of Sales at Less Than Fair Value: Coated Groundwood Paper from Finland, France, Germany and the United Kingdom,* 56 FR 56359, 56363 (November 4, 1991)).

In this case, we have no evidence suggesting that the affiliated party payments at issue are intra-company transfers, as they are actual expenditures tied to specific sales. Therefore, we are accepting them as commissions and must determine their arm's-length nature in accordance with our normal practice. As there are no commissions paid in the U.S. market, and we have no information on any commissions paid in third country markets, the only comparison we can make is between the two sets of commissions paid in the home market. The unaffiliated commissions are paid at a significantly different rate than the affiliated commissions, but the responsibilities of each type of commissionaire are different, which may account for the difference in the commission rates (*see* sample commission agreements at Exhibit 5 of Weikfield's August 9, 2000, response). Since we have no other basis to determine the arm's-length nature of the affiliated commissions, for purposes of the preliminary results, we have accepted the affiliated commissions to the extent that the amount paid does not exceed the rate paid to unaffiliated commissions.

Weikfield did not report its indirect selling expenses separately from the G&A expenses reported with the COP and constructed value data.

Accordingly, we recalculated the G&A expenses and calculated an indirect selling expense for this purpose (*see* February 28, 2001, Calculation Memorandum to Neal Halper and Weikfield Margin Memo).

We also reduced normal value for packing costs incurred in the home or third country market, in accordance with section 773(a)(6)(B)(i), and increased normal value to account for U.S. packing expenses in accordance with section 773(a)(6)(A). With regard to Techtran, we revised U.S. and home market packing costs in accordance with verification findings. *See* Techtran Calculation Memo.

Finally, we made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Calculation of Constructed Value

We calculated constructed value in accordance with section 773(e) of the Act, which indicates that constructed value shall be based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A expenses, profit and U.S. packing costs. We made the same adjustments to constructed value that were made to COP as described above for Agro Dutch, Techtran, and Weikfield.

Because Himalya and HLL had no viable home or third country market, we derived SG&A and profit for Himalya and HLL in accordance with section 773(e)(2)(B)(ii) of the Act and the Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 103–316, Vol. 1 at 169–171 (SAA). *See* 19 CFR 351.405(b)(2) (clarifying that under section 773(e)(2)(B) of the Act, ''foreign country'' means the country in which the merchandise is produced). Under this provision, we may use an amount which reflects SG&A and profit based on actual amounts incurred or realized by other investigated companies on home market sales in the ordinary course of trade of the foreign like product. *See* section 773(e)(2)(B)(ii) of the Act. As a result, we calculated Himalya's and HLL's SG&A and profit as a weighted average of the SG&A and profit amounts incurred on home market sales by Techtran and Weikfield during the cost reporting period. For further details *see* Memorandum to Neal Halper, dated February 28, 2001, for Himalya and HLL.

Himalya

We relied on the constructed value data submitted by Himalya, except for the following adjustments:

We revised the production quantities for the different can types to correct for reporting errors made by Himalya.

We revised the direct material cost to reflect the cost of materials consumed during the entire POR.

We revised Himalya's allocation of variable and fixed costs to products by revising the fixed asset base used in the allocation formula.

We adjusted Himalya's reported COM to account for the change in work-in-process inventory.

We disallowed the start-up adjustment claimed by Himalya. (*See* the February 28, 2001, Calculation Memorandum from Laurens Van Houten to Neal Halper for a discussion of the above-referenced adjustments.)

HLL

For HLL we have requested, but will not receive in time for the preliminary results, the reconciliation of the submitted costs to the audited financial statements costs. As stated by the Department in *Certain Cut-to-Length Carbon Steel Plate From Mexico: Final Results of Antidumping Duty Administrative Review,* 64 FR 76, 78, (January 4, 1999) ''{a}lthough the format of the reconciliation of submitted costs to actual financial statement costs depends greatly on the nature of the accounting records maintained by the respondent, the reconciliation represents the starting point of a cost response because it assures the Department that the respondent has accounted for all costs before allocating those costs to individual products.'' Therefore, due to the critical nature of this reconciliation, it is imperative that HLL provide the requested information. In order to minimize the burden placed on the respondent, in a supplemental questionnaire we agreed to allow HLL to provide the cost reconciliation for one fiscal year rather than for two fiscal years. In accordance with section 776 and 782 of the Act, failure to provide this information timely may result in the use of facts available for the final results.

Price-to-Constructed Value Comparisons

For Himalya and HLL, we based normal value on constructed value, in accordance with section 773(a)(4) of the Act. For comparisons to HLL's export price sales, and in those instances where we compared Agro Dutch's, Techtran's and Weikfield's export prices to constructed value, we made circumstance-of-sale (COS) adjustments by deducting from constructed value the weighted-average home market direct selling expenses and adding the U.S. direct selling expenses, in accordance with section 773(a)(8) of the Act and section 19 CFR 351.410. For comparisons to Himalya's CEP sales, we also deducted credit expenses from normal value.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act using the rates posted at www.ita.doc.gov. With respect to Agro Dutch, we have applied the highest exchange rate during the POR for all currency conversions involving certain U.S. sales, as facts available. *See* ''Export Price/Constructed Export Price'' section, above.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period August 5, 1998, through January 31, 2000, are as follows:

Manufacturer/Exporter	Percent margin
Agro Dutch Foods, Ltd	[1] 0.03
Himalya International, Ltd	26.34
Hindustan Lever, Ltd	42.08
Techtran Agro Industries Limited	66.24
Weikfield Agro Products, Ltd	26.44

[1] De minimus.

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the publication of this notice, or the first workday thereafter.

Issues raised in the hearing will be limited to those raised in the respective case briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

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, Room B–099, within 30 days of the date of 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 issues to be discussed. *See* 19 CFR 351.310(c).

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 19 CFR 351.106(c)(1)). For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(C)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original 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 11.30 percent, the ''All Others'' rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary 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 double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) of the Act and 19 CFR 351.221. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5620 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–802]

Certain Preserved Mushrooms From Indonesia: Preliminary Results of Antidumping Duty Administrative Review

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

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

SUMMARY: In response to a request by three manufacturers/exporters of the subject merchandise: PT Dieng Djaya and PT Surya Jaya Abadi Perkasa,[1] PT Indo Evergreen Agro Business Corp., and PT Zeta Agro Corporation, and by The Pillsbury Company, an importer of the merchandise under review, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain preserved mushrooms from Indonesia. The periods of reviews are August 5, 1998, through January 31, 2000, for PT Indo Evergreen Agro Business Corp. and PT Zeta Agro Corporation, and December 31, 1998 through January 31, 2000, for PT Dieng Djaya and PT Surya Jaya Abadi Perkasa[2].

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Sophie E. Castro, Office 2, AD/CVD Enforcement Group I, Import Administration-Room B–099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–0588, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On December 31, 1998, the Department published in the **Federal Register** (63 FR 72268), the final affirmative antidumping duty determination of sales at less than fair value (LTFV) on certain preserved mushrooms from Indonesia. We published an antidumping duty order on February 19, 1999 (64 FR 8310).

On February 14, 2000, the Department published in the **Federal Register** a notice advising of the opportunity to

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[1] In accordance with 19 CFR 351.401(f), PT Dieng Djaya and PT Surya Jaya Abadi Perkasa were determined to be affiliated companies in the original less-than-fair-value investigation, and therefore the two companies submitted a combined review request and questionnaire response.

[2] *See* Notice of Antidumping Duty Order: Certain Preserved Mushroom from Indonesia, 64 FR 8310 (February 19, 1999).

request an administrative review of this order for the period August 5, 1998, through January 31, 2000 (65 FR 7348). On February 29, 2000, in accordance with 19 CFR 351.213(b), three manufacturers/exporters of the subject merchandise, PT Dieng Djaya and PT Surya Jaya Abadi (Dieng/Surya), PT Indo Evergreen Agro Business Corp. (Indo Evergreen) and PT Zeta Agro Corporation (Zeta) as well as one importer of the subject merchandise, The Pillsbury Company, requested that the Department conduct an administrative review of exports to the United States by Dieng/Surya, Indo Evergreen and Zeta. We published a notice of initiation of the review on March 30, 2000 (65 FR 16875).

On March 29, 2000, the Department issued an antidumping questionnaire to Dieng/Surya, Indo Evergreen, and Zeta. We issued supplemental questionnaires in July, September, and October 2000, and in January 2001. In May and July through October 2000, we received timely responses to the original and supplemental questionnaires. Dieng responded to an additional supplemental questionnaire in February 2001.

In June 2000, we received below-cost-sales allegations for Indo Evergreen and Zeta from the petitioners, the Coalition for Fair Preserved Mushroom Trade.[3] In July 2000, we initiated a sales-below-cost investigation for both Indo Evergreen and Zeta.

On July 28, 2000, due to the reasons set forth in the *Notice of Extension of Time Limit for the Preliminary Results of Antidumping Administrative Review: Certain Preserved Mushrooms from Indonesia*, 65 FR 46426 (July 28, 2000), we extended the due date for the preliminary results. In accordance with section 751(a)(3)(A) of the Act, we extended the due date for the preliminary results by the maximum 120 days allowable.

Scope of the Review

The products covered by this review are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this review are the species *Agaricus bisporus* and *Agaricus bitorquis*. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this review are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this review are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms'; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this review is classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (''HTS''). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Fair Value Comparisons

To determine whether sales to the United States of certain preserved mushrooms by Dieng/Surya, Indo Evergreen and Zeta were made at less than normal value, we compared export price to the normal value, as described in the ''Export Price'' and ''Normal Value'' sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the export prices of individual U.S. transactions to the weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade at prices above the cost of production (COP), as discussed in the ''Cost of Production Analysis'' section below.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Indo Evergreen and Zeta, covered by the description in the ''Scope of the Review'' section, above, sold by the respondents in the home market during the period of review (''POR''), to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. Where there were no sales of identical or similar merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the constructed value of the product.

In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: preservation method, container type, mushroom style, weight, grade, container solution and label type.

For Dieng/Surya, we compared U.S. sales to the constructed value of the product because Dieng/Surya had insufficient home market and third country sales during the POR. *See* ''Normal Value'' section below for further discussion.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade (LOT) as the export price or constructed export price (CEP) transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For export price, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to an unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer, after the deductions required under section 772(d) of the Act. To determine whether normal value sales are at a LOT different from export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export

[3] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushrooms Farms, Inc., Toughkernamon, PA; Monterrey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the normal value level is more remote from the factory than the CEP level, and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In this review, all three respondents made only export price sales during the POR. In their questionnaire responses all three respondents reported that comparison-market and export price sales to the unaffiliated customers were made at the same LOT. Furthermore, the respondents maintain that selling activities in both markets are identical. Although the information pertaining to selling functions on the record is limited, it does not appear to warrant granting a LOT adjustment.

Export Price

For all three respondents we used export price calculation methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly by the producer/exporter in Indonesia to the first unaffiliated purchaser in the United States prior to importation and CEP treatment was not otherwise indicated.

We calculated export price based on the packed FOB seaport prices charged to the first unaffiliated customer in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, and brokerage and handling, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value, we compared the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Evergreen and Zeta's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise. Therefore, we determined that the home market provides a viable basis for calculating normal value for both Evergreen and Zeta.

Dieng/Surya reported that its aggregate volumes of home market and third country market sales, respectively, were less than five percent of its aggregate volume of U.S. sales of the subject merchandise. Petitioners allege that Dieng/Surya refused to provide complete information concerning its home market and third country sales in a timely fashion and may have overstated its U.S. sales figures for purposes of the viability test in an effort to avoid reporting third country price information. While we acknowledge the petitioners' allegation, we note that in this case Dieng/Surya has complied with our request for information as stated in our antidumping questionnaire on page A–2. Should its home market sales not be viable for purposes of calculating normal value, our questionnaire directs respondents to provide sales to each of their three largest third country markets, provided each market meets the five-percent threshold. In this case, since none of Dieng/Surya's third country markets reaches that threshold, Dieng was not required to provide a section B questionnaire response for its third country sales. In addition, we note that Dieng/Surya's reporting in this review is consistent with that in the LTFV investigation; in the LTFV investigation, the Department verified that Dieng/Surya did not have a viable home market or third country market during the period of investigation. For these reasons, we determined that neither the home market nor any third country market was a viable basis for calculating normal value for Dieng/Surya. As a result, we used constructed value as the basis for calculating normal value for Dieng/Surya, in accordance with section 773(a)(4) of the Act.

Arm's-Length Sales

Indo Evergreen and Zeta each reported a small percentage of sales of the foreign like product to affiliated customers. To test whether these sales to affiliated customers were made at arm's length, where possible, we compared the prices of sales to affiliated and unaffiliated customers, net of all movement charges, direct selling expenses, discounts, and packing. Where the price to the affiliated party was on average 99.5 percent or more of the price to the unaffiliated parties, we determined that the sales made to the affiliated party were at arm's length. *See Preamble—Department's Final Antidumping Regulations*, 62 FR 27,355 (May 19, 1997). Consistent with 19 CFR 351.403, we excluded from our analysis those sales where the price to the affiliated parties was less than 99.5 percent of the price to the unaffiliated parties.

Cost of Production Analysis

In response to the petitioners sales-below-cost allegations for Indo Evergreen and Zeta, we reviewed their allegations and determined that Indo Evergreen's and Zeta's submitted data provided reasonable grounds to believe or suspect that sales of the foreign like product under consideration for determining normal value in this review may have been at prices below the COP, pursuant to section 773(b)(2)(A)(i) of the Act. *See* July 7, 2000, Memorandum from the Team to Louis Apple, Office Director, AD/CVD Enforcement Group 1, Office 2, Re: Request to Initiate Cost Investigation for Respondents P.T. Zeta Agro Corporation and PT Indo Evergreen Agrobusiness Corporation. Therefore, pursuant to section 773(b)(1) of the Act, we initiated a sales-below-cost investigation of sales made by Evergreen and Zeta.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of Indo Evergreen's and Zeta's cost of materials and fabrication for the foreign like product, plus amounts for home-market SG&A, interest expenses, and the cost of all expenses incidental to placing the foreign like product in condition packed ready for shipment. We relied on the home market sales and cost of production information Indo Evergreen and Zeta provided in their questionnaire responses, except for the following adjustments:

For Indo Evergreen, we adjusted the cost of manufacture for beginning and ending work-in-process. We revised Indo Evergreen's interest expense rate calculation by excluding foreign exchange gains and losses related to the non-current portion of long-term debt and reclassifying foreign exchange gains on accounts payable to general and administrative (G&A) expense. In addition, we included certain other foreign exchange gains and losses and other miscellaneous items in their G&A rate calculation. For Zeta, we adjusted the reported production quantities by deducting waste production quantities. This reduction in production quantities resulted in higher per unit cost of manufacture (COM) for Zeta. In addition, because Zeta did not include interest expense on affiliated party loans, we included an amount for interest expense in accordance with section 773(f)(2). We also reclassified foreign exchange gains on accounts payable to G&A expense. Lastly, we revised Zeta's G&A expense rate calculation by including certain other foreign exchange gains and losses and

other miscellaneous items. For further detail *see* Memoranda from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Indo Evergreen and Zeta.

B. Test of Home Market Prices

We compared the weighted-average, per-unit COP figures for the POR to home market sales of the foreign like product, as required by section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, discounts and direct and indirect selling expenses. Because Indo Evergreen and Zeta did not report home market indirect selling expenses, we have derived those expenses from their financial statements for purposes of deducting them from home market price. For further details *see* Memorandum from Sophie Castro, Financial Analyst, to Irene Darzenta Tzafolias, Program Manager, Office 2, AD/CVD Enforcement Group I, Import Administration, dated February 28, 2001.

3. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of the respondents' sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where twenty percent or more of the respondents'' sales of a given product during the POR were at prices less than the COP, we disregard the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act).

The results of our cost tests for Indo Evergreen and Zeta indicated for certain home market products that less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining normal value.

Our cost tests also indicated, for both Indo Evergreen and Zeta, that for certain other home market products more than twenty percent of home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we excluded these below-cost sales of these models from our analysis and used the remaining sales as the basis for determining normal value.

Price-to-Price Comparisons

For Indo Evergreen and Zeta, we based normal value on the price at which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade, and at the same LOT as the export price, as defined by section 773(a)(1)(B)(i) of the Act.

Home market prices were based on either ex-factory or delivered prices. We reduced normal value for home market movement expenses, where appropriate, in accordance with section 773(a)(6)(B)(ii). We also reduced normal value for packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i), and increased normal value to account for U.S. packing expenses in accordance with section 773(a)(6)(A). We also made adjustments for differences in circumstances of sale (''COS'') in accordance with 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410, by deducting home market direct selling expenses (*i.e.,* credit) and adding U.S. direct selling expenses (*i.e.,* credit, U.S. warranty and bank charges), where applicable.

Finally, we made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411.

Calculation of Constructed Value

We calculated constructed value for Indo Evergreen, Zeta and Dieng/Surya in accordance with section 773(e) of the Act, which indicates that constructed value shall be based on the sum of the respondent's cost of materials and fabrication for the foreign like product, plus amounts for SG&A, profit, and U.S. packing costs. We relied on the submitted constructed value information for Indo Evergreen and Zeta with the exception of the adjustments to COP noted above. For Dieng/Surya, we relied on the submitted constructed value information except for the following adjustments:

For Surya we revised the production quantities to be net of waste. This reduction in production quantities resulted in higher per unit COMs and packing for Surya. In addition, we disallowed Surya's cost offset for the sale of fresh mushrooms. *See* Memorandum from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Dieng/Surya. For Dieng, we treated all reported grades as co-products with the same mushroom cost. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushroom from Indonesia,* 63 FR 72268, 72281 (December 31, 1998).

We derived SG&A and profit in accordance with section 773(e)(2)(B)(ii) of the Act and the Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 316, 103d Cong, 2d Sess (1994), (SAA) at 169–171. *See* 19 CFR 351.405(b)(2) (clarifying that under section 773(e)(2)(B) of the Act, ''foreign country'' means the country in which the merchandise is produced), 62 FR 27296, 27412–13 (May 19, 1997). The statute directs us to use an amount which reflects SG&A and profit incurred in connection with the production and sale of a foreign like product in the ordinary course of trade, by exporters or producers that are subject to the review. *See* section 773(e)(2)(B)(ii) of the Act.

Because Indo Evergreen and Zeta both have a viable home market, and hence actual company-specific SG&A and profit data are available, we calculated Dieng/Surya's SG&A and profit as a weighted average of the SG&A and profit amounts experienced by Indo Evergreen and Zeta. For further details *see* Memorandum from Sheikh Hannan to Neal Halper, dated February 28, 2001, for Dieng/Surya.

Price-to-Constructed Value Comparisons

For Dieng/Surya, we based normal value on constructed value, in accordance with section 773(a)(4) of the Act. For price-to-constructed value comparisons, we made adjustments to constructed value for COS differences, in accordance with 773(a)(6)(C)(iii) of the Act, and 19 CFR 351.410. We made COS adjustments by deducting home market direct selling expenses (comprised of imputed credit) and adding U.S. direct selling expenses (comprised of imputed credit, warranties and bank charges).

Currency Conversion

We made currency conversions in accordance with section 773A of the Act based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the respective PORs are as follows:

Manufacture/exporter	Period	Margin (percent)
PT Dieng Djaya and PT Surya Jaya Abadi Perkasa	12/31/1998–01/31/2000	0.18 (*de minimis*).
PT Indo Evergreen Agro Business Corp	08/05/1998–01/31/2000	5.15
PT Zeta Agro Corporation	08/05/1998–01/31/2000	0.02 (*de minimis*).

We will disclose calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the date of publication of this notice, or the first work day thereafter.

Issues raised in the hearing will be limited to those raised in the respective case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

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, Room B–099, within 30 days of the date of 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 issues to be discussed. *See* 19 CFR 351.310(c).

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*See* 19 CFR 351.106(c)(1)). For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined. In order to estimate the entered value, we will subtract applicable movement expenses from the gross sales value.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(C)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original 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 11.26 percent, the ''All Others'' rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary 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 double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) of the Act and 19 CFR 351.221. Effective January 20, 2001, Bernard T. Carreau, is fulfilling the duties of the Assistant Secretary of Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5622 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

ACTION: Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 2000 through December 31, 2000. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period October 1, 2000 through December 30, 2000.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

Appendix—Subsidy Programs on Cheese Subject to an In-Quota Rate of Duty

Country	Program(s)	Gross [1] subsidy ($/lb)	Net [2] subsidy ($/lb)
Austria	European Union Restitution Payments	0.14	0.14
Belgium	EU Restitution Payments	0.02	0.02
Canada	Export Assistance on Certain Types of Cheese	0.23	0.23
Denmark	EU Restitution Payments	0.08	0.08
Finland	EU Restitution Payments	0.16	0.16
France	EU Restitution Payments	0.09	0.09
Germany	EU Restitution Payments	0.05	0.05
Greece	EU Restitution Payments	0.00	0.00
Ireland	EU Restitution Payments	0.03	0.03
Italy	EU Restitution Payments	0.11	0.11
Luxembourg	EU Restitution Payments	0.07	0.07
Netherlands	EU Restitution Payments	0.04	0.04
Norway	Indirect (Milk) Subsidy	0.27	0.27
	Consumer Subsidy	0.12	0.12
Total		0.39	0.39
Portugal	EU Restitution Payments	0.05	0.05
Spain	EU Restitution Payments	0.02	0.02
Switzerland	Deficiency Payments	0.10	0.10
U.K.	EU Restitution Payments	0.08	0.08

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 01–5624 Filed 3–7–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Correction to the Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, prepared its annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 1999 through September 30, 2000. On December 26, 2000, the Department published in the **Federal Register** the Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty at 65 FR 81488. The correct effective date is January 1, 2001, rather than January 2000.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–2786.

This determination and notice are in accordance with section 702(a) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement II.

[FR Doc. 01–5625 Filed 3–7–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–815]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Italy; Final Results of Full Sunset Review of Countervailing Duty Order

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

ACTION: Notice of final results of full sunset review: Small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from Italy.

SUMMARY: On October 27, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** (65 FR 64426) the preliminary results of the full sunset review of the countervailing duty order on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe (''seamless pipe'') from Italy, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results and received comments from domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Becky J. Hagen or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, NW., Washington, DC 20230; telephone: (202) 482–1277 or (202) 482–3330, respectively.

EFFECTIVE DATE: March 8, 2001.

Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope of Review

The merchandise subject to this review includes seamless pipes produced to the American Society for Testing and Materials (''ASTM'') standards A–335, A–106, A–53, and American Petroleum Institute (''API'') standard API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this review also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification. For purposes of this review, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe, or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes. The seamless pipes subject to this review are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (''HTSUS'').

The following information further defines the scope of this review, which covers pipes meeting the physical parameters described above: Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (''ASME'') code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard. Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent ASTM A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple-certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers. The primary application of ASTM A–106 pressure pipes and triple-certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications. The scope of this review includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications

listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of this review. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–335, ASTM A–106, ASTM A–53, or API 5L standards shall be covered if used in a standard, line or pressure application. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this review. Specifically excluded from this review are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–335, ASTM A–106, ASTM A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods (''OCTG'') are excluded from the scope of this review, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. Finally, also excluded from this review are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Background

On October 27, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of preliminary results of the full sunset review of the countervailing duty order on seamless pipe from Italy (65 FR 64426), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). In our preliminary results, we found that revocation of the order would likely result in continuation or recurrence of a net countervailable subsidy at the rate of 1.47 percent for all Italian seamless pipe producers/exporters.

On November 27, 2000, U.S. Steel Group, a unit of USX Corporation, and Vision Metals, Inc. (''domestic interested parties'') requested a hearing in the sunset review. On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of Dalmine S.p.A (''Dalmine''). On December 18, 2000, domestic interested parties submitted a rebuttal brief. On December 19, 2000, domestic interested parties withdrew their request for a hearing and the Department canceled the hearing.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, dated February 28, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the automatic initiation of this sunset review, the likelihood of continuation or recurrence of countervailable subsidies, and the net countervailable subsidy likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

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

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order on seamless pipe from Italy would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producer/exporter	Margin (percent):
All Italian producers/exporters	1.47

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

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act. This notice is published pursuant to section 703(c)(2) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5630 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–817]

Oil Country Tubular Goods (''OCTG'') From Italy; Final Results of Sunset Review of Countervailing Duty Order

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

ACTION: Notice of final results of full sunset review: Oil country tubular goods (''OCTG'') from Italy.

SUMMARY: On October 30, 2000, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the countervailing duty order on oil country tubular goods (''OCTG'') from Italy (65 FR 64668) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received a case brief from respondent interested party, Dalmine S.p.A. (''Dalmine''). In addition, we received a rebuttal brief from domestic interested party, U.S. Steel Group, a unit of USX Corp (''U.S. Steel''). As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of subsidies at the levels indicated in the **Final Results of Review** section of this notice.

EFFECTIVE DATE: March 8, 2001.

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

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-*

year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

In our preliminary results, published on October 30, 2000 (65 FR 64668), we found that revocation of the order would likely result in continuation or recurrence of countervailable subsidies at the rate of 1.47 percent for all producers/exports from Italy.

On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of Dalmine. On December 18, 2000, we received a rebuttal brief on behalf of U.S. Steel. Although a hearing was requested by U.S. Steel, that request was subsequently withdrawn and no hearing was held in this sunset review.

Scope of Review

Imports covered by this order are 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 OCTG subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7403.21.60.00, 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 proceeding is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, dated February 28, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the automatic initiation of this sunset review and the likelihood of continuation or recurrence of countervailable subsidies. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main 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.

Final Results of Review

We determine that revocation of the countervailing duty order on OCTG from Italy would be likely to lead to continuation or recurrence of countervailable subsidies at the rate listed below:

Producers/exporters	Net countervailable subsidy (percent)
All Producers/exporters from Italy	1.47

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. Timely notification of the return or 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. This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act. This notice is published pursuant to section 703(c)(2) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5629 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–830]

Stainless Steel Bar From Italy: Postponement of Time Limit for Preliminary Determination of Countervailing Duty Investigation

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

ACTION: Notice of postponement of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary determination of the countervailing duty investigation of stainless steel bar from Italy. The period of investigation is January 1, 2000 through December 31, 2000. This extension is made pursuant to section 703(c)(2) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Greg Campbell, Office of CVD/AD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–0176 or (202) 482–2239, respectively.

Postponement of Preliminary Determination

The Applicable Statute and Regulations

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

references to the provisions codified at 19 CFR Part 351 (2000).

Postponement

On January 17, 2001, the Department initiated the countervailing duty investigation of stainless steel bar from Italy. *See Notice of Initiation of Countervailing Duty Investigation: Stainless Steel Bar from Italy,* 66 FR 7739 (January 25, 2001). Currently, the preliminary determination must be issued by March 23, 2001.

On February 23, 2001, the petitioners made a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) of the Department's regulations for a postponement of the preliminary determination. The petitioners requested a postponement until May 29, 2001 in order to allow time for the petitioners to submit comments regarding the respondents' questionnaire responses and to allow time for the Department to analyze these responses.

The petitioners' request for the postponement was timely, and the Department finds no compelling reason to deny the request. Therefore, pursuant to 703(c) of the Act and 19 CFR 351.205(b)(2), the Department is postponing the preliminary determination until no later than May 29, 2001.

We are issuing and publishing this notice in accordance with sections 703(c)(2) and 777(i)(1) of the Act.

Dated: March 2, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement I.

[FR Doc. 01–5772 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101D]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Observer Committee will meet in Seattle, WA.

DATES: The meeting will begin at 9 a.m. on Thursday, March 22, and continue through Friday, March 23.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2039, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Nicole Kimball, North Pacific Fishery Management Council; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The committee's agenda includes the following issues:

1. Review the specifics of a proposed no-cost contract module(s) which would establish a contractual relationship between NMFS and observer contractors for some portion of observer placements.
2. Review of overall program goals and objectives.
3. Discussion of potential long-term funding models for the observer program.

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

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

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

[FR Doc. 01–5761 Filed 3–7–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request Under the African Growth and Opportunity Act (AGOA)

March 6, 2001.

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

ACTION: Request for public comments concerning a request for a determination that certain fabrics used for blouses and nightwear cannot be supplied by the domestic industry in commercial quantities in a timely manner.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUMMARY: On March 1, 2001, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed below, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular with regard to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 23, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

Fabrics named in the request:

(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;

(b) Fabrics of subheading 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and fillings picks per square centimeter, of average yarn number exceeding 135 metric;

(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;

(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and

filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);

(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;

(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;

(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA, Section 1 of Executive Order No. 13191 of January 17, 2001.

Background

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President has delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests (66 FR 13502).

On March 1, 2001, the Chairman of CITA received a petition from Esquel Enterprises Limited of Hong Kong and Textile Industries Limited in Mauritius alleging that certain fabrics, listed above, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the AGOA for such apparel articles that are cut and sewn in one or more beneficiary sub-Saharan African countries from such fabrics.

CITA is soliciting public comments regarding this request, particularly with respect to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other fabrics that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabrics for the purposes of the intended use. Comments must be received no later than March 23, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the fabric that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5836 Filed 3–6–01; 1:31 pm]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Short Supply Request Under the United States—Caribbean Basin Trade Partnership Act (CBTPA)

March 6, 2001.

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

ACTION: Request for public comments concerning a request for a determination that yarns of cashmere and camel hair cannot be supplied by the domestic industry in commercial quantities in a timely manner.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUMMARY: On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that apparel articles of U.S. formed-fabric of such yarns be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether cashmere and camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 23, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

Background

The CBTPA provides for quota-and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more

CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the CBTPA for apparel articles that are cut and sewn in one or more CBTPA beneficiary countries from U.S.-formed fabric of such yarns.

CITA is soliciting public comments regarding this request, particularly with respect to whether yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarn that is supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than March 23, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that the cashmere or camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–5835 Filed 3–6–01; 1:31 pm]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Exemption For Certain Model Rocket Propellant Devices For Use With Ground Vehicles

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received a petition (HP 01–2) requesting that the Commission exempt certain model rocket propellant devices for vehicles that travel on the ground. The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by May 7, 2001.

ADDRESSES: Comments, preferably in five copies, on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Petition HP 01–2, Petition for Exemption for Model Rocket Propellant Devices for Ground Vehicles.'' A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800, ext. 1232.

SUPPLEMENTARY INFORMATION: The Commission has received correspondence from Centuri Corporation requesting that the Commission issue a rule exempting certain model rocket propellant devices (motors) to be used for model rocket ground vehicles. The petitioner wants an exemption for race cars that travel on the ground along a tethered line and are propelled as rockets. The Commission is docketing the correspondence as a petition under provisions of the Federal Hazardous Substances Act (''FHSA''), 15 U.S.C. 1261–1278.

Model rocket propellant devices use materials that would be considered hazardous substances under the FHSA. 15 U.S.C. 1261(f). The FHSA bans toys that contain a hazardous substance accessible by a child. *Id.* 1261(q)(1)(A). However, the FHSA gives the Commission authority to exempt from the definition of banned hazardous substance an article that requires inclusion of a hazardous substance in order to function, has labeling giving adequate directions and warnings for safe use, and is intended for children who are mature enough that they may reasonably be expected to read and heed the directions and warnings. *Id.* Under this authority, the Commission's existing regulations exempt model rocket propellant devices designed for use in light-weight, recoverable, and reflyable model rockets, if they meet certain requirements. 16 CFR 1500.85(a)(8). The petitioner asks that similar requirements apply to certain propellant devices used for model rocket vehicles that would travel on the ground along a tethered line so that they too would be exempt from the definition of banned hazardous substance.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800. A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: March 5, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01–5762 Filed 3–7–01; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Statement of Claimant Requesting Recertified Check; DD Form 2660; OMB Number 0730–0002.

Type of Request: Reinstatement.

Number of Respondents: 108,500.

Responses per Respondent: 1.

Annual Responses: 108,500.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 9,042.

Needs and Uses: The Statement of Claimant Requesting Recertified Check is used to ascertain pertinent information needed by the Department of Defense in order to reissue checks to payees. A check will be reissued if the check has not been negotiated to financial institutions within one year of the date of issuance, when an original check has been lost, not received, damaged, stolen, etc. The form will be completed by the payee who was issued the original check.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions; State, Local or Tribal government.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5662 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Air Force ROTC Scholarship Nomination; AFOATS Form 36; OMB Number 0701–0103.

Type of Request: Extension.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.

Average Burden per Response: 42 minutes.

Annual Burden Hours: 350.

Needs and Uses: Respondents are college students who apply for an Air Force ROTC college scholarship. The AF Form 36 collects identification and academic performance data, academic aptitude scores, and the Professor of Aerospace Studies (PAS) evaluation of the applicant's performance and potential. The submitted data will be evaluated by Air Force ROTC In-College Scholarship selection boards to determine eligibility and to select individuals for the award of a college scholarship involving the expenditure of federal funds.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5663 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Application for Air Force ROTC Membership; AFOATS Form 20; OMB Number 0701–0105.

Type of Request: Extension.

Number of Respondents: 12,000.

Responses Per Respondent: 1.

Annual Responses: 12,000.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 4,000.

Needs and Uses: The information collection is used to obtain the information needed by HQ, AFROTC and the AFROTC Detachment on which to base a decision of acceptance or non-acceptance to be a member of AFROTC. Respondents are college students who apply for membership in Air Force ROTC. The collected data is used to determine the eligibility to enter the ROTC program and if accepted, determine the enrollment status of the applicant within the program. Upon acceptance into the program, the information is used to establish personal records for Air Force ROTC cadets.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 2, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5688 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Finance and Accounting Service Board of Advisors

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the first meeting of the Defense Finance and Accounting Service (DFAS) Board of Advisors. The Board was chartered by the Deputy Secretary of Defense on October 4, 2000, to provide advice and recommendations to the Secretary of Defense regarding the mission of DFAS as it transforms its financial management operations, processes, and systems. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92–463).

DATES: Tuesday, April 10, 2001.

ADDRESSES: Defense Finance and Accounting Service, Crystal Mall 3 (Room 438), 1931 Jefferson Davis Highway, Arlington, VA 22240.

PROPOSED SCHEDULE AND AGENDA: The Defense Finance and Accounting Service Board of Advisors will meet in open session from 1 p.m. to 4 p.m. on April 10, 2001. The meeting will include discussion on the DFAS Competitive Sourcing Program, DFAS Strategic Plan and Balanced Scorecard, and Capital Investment Strategy.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Codie Smith, Resource Management, DFAS, Crystal Mall 3 (room 206), 1931 Jefferson Davis Highway, Arlington, VA 22240. Telephone (703) 607–1162. Public seating for this meeting is limited, and is available on a first-come first-served basis.

Dated: March 1, 2001.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–5664 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Joint Advisory Committee on Nuclear Weapons Surety; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Joint Advisory Committee on Nuclear Weapons Surety will conduct a closed session on March 23, 2001 at the Institute for Defense Analyses, Alexandria, VA.

The Joint Advisory Committee is charged with advising the Secretaries of Defense and Energy, and the Joint Nuclear Weapons Council on nuclear weapons surety matters. At this meeting the Joint Advisory Committee will receive classified briefings on nuclear weapons security and use control.

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended, Title 5, U.S.C. App. II (1988)), this meeting concerns matters sensitive to the interests of national security, listed in 5 U.S.C. Section 552b(c)(1) and accordingly this meeting will be closed to the public.

Dated: March 2, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5689 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Change of Advisory Committee Meetings

SUMMARY: The meeting of the Defense Science Board (DSB) Task Force on High Energy Laser Weapon Systems Applications, which was scheduled for April 17–18, 2001, has been rescheduled for April 16, 2001. In addition, the meeting scheduled for May 15–16, 2001, will now be held on May 15, 2001 only. The meeting will be held Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA 22201.

Dated: March 1, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5616 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting Date Change of Advisory Committee Meeting

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture closed meeting scheduled for March 14–15, 2001, has been changed to March 29–30, 2001. The meeting will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: March 1, 2001.

L. M. Bynum,

Alternate OSC Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–5617 Filed 3–7–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Interface Control Document (ICD) Configuration Management Activities

AGENCY: Department of the Air Force, DoD.

ACTION: Notice and Request for Review and Comment.

SUMMARY: This notice informs the public that the NAVSTAR GPS Joint Program Office (JPO) proposes to revise ICD–GPS–200, NAVSTAR GPS Space Segment/Navigation User Interface, for the following items: (1) Removal of all Letters of Exception (LOEs) and incorporation of contents of technical LOEs into the text of ICD–GPS–200; (2) Update of Coordinated Universal Time as maintained by the United States Naval Observatory (UTC (USNO)) time transfer accuracy; (3) Clarification of applicable UTC/GPS-time relationship; (4) Clarification of Table 20–VI. These proposed change items are described in draft Proposed Interface Revision Notice (PIRN), PIRN–200C–005. The draft PIRN can be reviewed at the following web site: http://www.gpsnavstar.com. Select the ''GPS Public'' tab, then select ''DRAFT–PIRN–200C–005 (Public) (PDF).'' This notice seeks comments on the changes presented in the draft PIRN.

ADDRESSES: Submit comments to SMC/CZER, 2435 Vela Way, Suite 1613, El Segundo, CA 90245–5500, ATTN: First Lieutenant Reginald C. Victoria. A comment matrix is provided for your convenience at the web site and is the preferred method of comment submittal. Comments may be submitted to the following e-mail address: cmdm@losangeles.af.mil. Comments may also be sent by fax to (310) 363–6387.

DATES: The suspense date for comment submittal is April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Capt. Eric Y. Moore, Configuration Management Processes Coordinator, (310) 363–5117, or First Lieutenant Reginald C. Victoria, ICD–GPS–200C Point of Contact, (310) 363–6329, GPS

JPO System Engineering Division, address above.

SUPPLEMENTARY INFORMATION:

Background

The Global Positioning System employs a constellation of 24 satellites to provide continuously transmitted positioning/navigation signals for use with appropriately configured GPS user equipment. The proposed change applies to the interface control document that describes these signals. The civilian and military communities employ the Global Positioning System. All comments and their resolutions will be posted to the web site.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–5700 Filed 3–8–01; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 7, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 2, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Consolidated Data Collection on Students with Disabilities.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 58. Burden Hours: 18,312.

Abstract: This package provides a file layout for States to use in reporting district and school level data on students receiving services under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, as amended. If used by States, it will meet the reporting requirements of the Office of Special Education Programs, the Office for Civil Rights (for students with disabilities only) and the National Center on Education Statistics (for students with disabilities only).

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–3651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–5652 Filed 3–7–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products; Representative Average Unit Costs of Energy.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the Department of Energy (DOE or Department) is forecasting the representative average unit costs of five residential energy sources for the year 2001. The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene. The representative unit costs of these energy sources are used in the Energy Conservation Program for Consumer Products, established by Part B of Title III of the Energy Policy and Conservation Act.

EFFECTIVE DATE: The representative average unit costs of energy contained in this notice will become effective April 9, 2001 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

Brian Card, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9228

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0103, (202) 586–9507

SUPPLEMENTARY INFORMATION: Section 323 of the EPCA (Act)[1] requires that DOE prescribe test procedures for the determination of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. These test procedures are found in 10 CFR Part 430, Subpart B.

Section 323(b) of the Act requires that the estimated annual operating costs of a covered product be computed from

[1] References to the ''Act'' refer to the Energy Policy and Conservation Act, as amended. 42 U.S.C. 6291—6309.

measurements of energy use in a representative average-use cycle and from representative average unit costs of energy needed to operate such product during such cycle. The section further requires DOE to provide information regarding the representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with the test procedures. Most notably, these costs are used under the Federal Trade Commission's appliance labeling program, established by section 324 of the Act, and in connection with advertisements of appliance energy use and energy costs, which are covered by section 323(c) of the Act.

The Department last published representative average unit costs of residential energy for use in the Energy Conservation Program for Consumer Products Other Than Automobiles on February 7, 2000. (64 FR 5860). Effective April 9, 2001, the cost figures published on February 7, 2000 will be superseded by the cost figures set forth in this notice.

The Department's Energy Information Administration (EIA) has developed the 2001 representative average unit after-tax costs of electricity, natural gas, No. 2 heating oil, propane, and kerosene prices found in this notice. The cost projections for heating oil, electricity, and natural gas are found in the fourth quarter, 2000, EIA *Short-Term Energy Outlook,* DOE/EIA–0226 (00/4Q), and reflect the mid-price scenario. Projections for residential propane and kerosene prices are derived from their relative prices to that of heating oil, based on 1999 averages for these three fuels. The source for these price data is the September 2000, *Monthly Energy Review* (DOE/EIA–0035(00/09). The *Short-Term Energy Outlook* and the *Monthly Energy Review* are available at the National Energy Information Center, Forrestal Building, Room 1F–048, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8800.

We provide the 2001 representative average unit costs in Table 1 pursuant to section 323(b)(4) of the Act, and they will become effective April 9, 2001. They will remain in effect until further notice.

Issued in Washington, DC, on March 2, 2001.

Abraham E. Haspel,

Acting Director, Energy Efficiency and Renewable Energy.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES

[2001]

Type of energy	Per million Btu[1]	In commonly used terms	As required by test procedure
Electricity	$24.30	8.29/kWh[2 3]	$.0829/kWh.
Natural gas	8.37	83.7/therm[4] or $8.63/MCF[5 6]	.00000837/Btu.
No. 2 Heating Oil	8.86	$1.23/gallon[7]	.00000886/Btu.
Propane	11.28	$1.03/gallon[8]	.00001128/Btu.
Kerosene	9.41	$1.27/gallon[9]	.00000941/Btu.

[1] Btu stands for British thermal units.
[2] kWh stands for kilowatt hour.
[3] 1 kWh = 3,412 Btu.
[4] 1 therm = 100,000 Btu. Natural gas prices include taxes.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,031 Btu.
[7] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
[8] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
[9] For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 01–5668 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a 3-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 et seq).

DATES: Comments must be filed on or before April 9, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mrs. Sutherland may be contacted by telephone at (202) 287–1712, FAX at (202) 287–1705, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–1605 and 1605EZ, ''Voluntary Reporting of Greenhouse Gases''.
2. Energy Information Administration.
3. OMB Number 1905–0194.

4. Three-year extension to an existing approved request.

5. Voluntary.

6. EIA–1605 and EIA–1605EZ forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and carbon fixation. Data are used to establish a publicly available database. Respondents are participants in a domestic or foreign activity that either reduces greenhouse gas emissions or increases sequestration.

7. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

8. 7,000 hours (220 respondents × 1 response per year × 31.8 hours per response).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq).*

Issued in Washington, D.C., February 28, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–5667 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year approval under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before April 9, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 287–1711, FAX at (202) 287–1705, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–910, ''Monthly Natural Gas Marketer Survey''.

2. Energy Information Administration.

3. OMB number 1905–NEW.

4. New collection and three-year approval requested.

5. Mandatory.

6. EIA–910 will collect information necessary for developing accurate estimates of state-level prices paid by commercial and residential consumers of natural gas. The data will also be used for modeling and analytical efforts. Initially, respondents will be all natural gas marketers selling to residential and/or commercial customers in Georgia, Maryland, New York, Ohio and Pennsylvania.

7. Business or other for-profit.

8. 6,572 hours (176 respondents × 12 responses per year × an average burden of 3.11 hours per response over the three-year approval period).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq*).

Issued in Washington, DC on February 27, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–5672 Filed 3–7–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–020]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

March 2, 2001.

Take notice that on February 27, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following Amendment Agreement to a recently filed negotiated rate transaction: Amendment Agreement to ITS–2 Service Agreement No. 70052 between Columbia Gulf Transmission Company and Amoco Energy Trading Corporation Dated November 30, 2000, as Amended February 23, 2001.

This transportation service was scheduled to commence December 1, 2000 and terminate December 31, 2000. On January 17, 2001, FERC approved an amendment to extend the term through January 31, 2001 (Docket No. RP96–389–017). On January 30, 2001, Columbia Gulf filed an amendment to extend further the Service Agreement's term through February 28, 2001. FERC issued a notice on February 6, 2001 (Docket No. RP96–389–019), and FERC approval is pending. The instant filing includes an executed Amendment Agreement that extends the Service Agreement's term through March 31, 2001. All other terms and provisions remain unchanged and in full force and effect.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5640 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1960]

Dairyland Power Cooperative; Notice of Authorization for Continued Project Operation

March 2, 2001.

On February 19, 1999, the Dairyland Power Cooperative, license for the Flambeau Project No. 1960, filed an application for a new or subsequent license pursuant to the Federal Power Act (EPA) and the Commission's regulations thereunder. Project No. 1960 is located on the Flambeau River in Rusk County, Wisconsin.

The license for Project No. 1960 was issued for a period ending February 28, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1960 is issued to the Dairyland Power Cooperative for a period effective March 1, 2001, through February 28, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before March 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Dairyland Power Cooperative is authorized to continue operation of the Flambeau Project No. 1960 until time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5642 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–15–001]

PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

March 2, 2001.

Take notice that on November 27, 2000, PG&E Gas Transmission, Northwest Corporation (PG&E GTN) submitted its filing to comply with the Commission's October 27, 2000 order in Docket Nos. RM96–1–014, et al.

Pursuant to Commission directive, PG&E GTN explains why it will lose transportation revenue if it does not assess transportation and fuel reimbursement charges when certain nets or trades if imbalances occur.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5638 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–41–000]

Strategic Energy L.L.C. v. California Independent System Operator Corporation; Notice of Complaint

March 2, 2001.

Take notice that on February 28, 2001, Strategic Energy L.L.C. (Strategic Energy) submitted a complaint requesting fast track processing against the California Independent System Operator Corporation (ISO) pursuant to Section 206 of the Federal Power Act, 16 U.S.C. § 824e, and Section 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206. Strategic Energy requests that the Commission: (i) direct the ISO immediately to provide information to support its claim for costs under Section 11.2.4.2.1 of the ISO tariff, as required by Section 11.4.3 of the ISO tariff; and (ii) clarify that if the ISO enters into a forward contract during a scheduling interval for power to be delivered in a later scheduling interval, the costs of the forward contract are recoverable only for the scheduling interval in which power is to be delivered. Strategic Energy also seeks interim relief and requests that the Commission (i) issue an interim order permitting Strategic Energy to deposit the contested portion of its bill into an interest bearing escrow account on or before March 5, 2001 and declaring that, in so doing, the Strategic Energy will not be in default of its obligations under the ISO tariff; and (ii) issue its ruling on this complaint on or before March 5, 2001 to ensure that Strategic Energy will not, under any circumstances, be in

violation of its obligations under the ISO tariff.

Any person desiring to be heard or to protest this 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 or protests must be filed on or before March 20, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 20, 2001. 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. 01–5678 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–20–001]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

March 2, 2001.

Take notice that on November 17, 2000, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a Supplemental Response to the Protest filed by National Fuel Gas Distribution Corporation on October 13, 2000, in this proceeding.

Tennessee states that the purpose of this filing is to comply with the Commission's order issued November 1, 2000, in the above docket that directed Tennessee to respond to the protest filed by National Fuel Gas Distribution Corporation.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 9, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rms.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. 01–5637 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–93–000]

Texas Gas Transmission Corporation and Forest Oil Corporation; Notice of Application

March 2, 2001.

On February 23, 2001, pursuant to section 7 of the Natural Gas Act (NGA) and Part 157 of the Regulations of the Federal Energy Regulatory Commission (Commission), Texas Gas Transmission Corporation (Texas Gas) and Forest Oil Corporation (Forest Oil) filed in Docket No. CP01–093–000 and abbreviated application for: (1) Authorization for Texas Gas to abandon by sale to Forest Oil certain supply lateral facilities located in the South Marsh Island area, offshore Louisiana and (2) a declaratory order, that upon approval of the abandonment by sale, Forest Oil's ownership and operation of the subject supply lateral facilities will be exempt from the Commission jurisdiction under the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

The application states that Texas Gas has entered into an agreement with Forest Oil (successor to Force Energy, Inc.) whereby Texas Gas will, upon Commission approval, transfer by sale to Forest Oil certain supply lateral facilities consisting of approximately 2.12 miles of 8-inch diameter pipeline, 1.85 miles of 6-inch diameter pipeline and appurtenances located in blocks 10 and 11 of the South Marsh Island Area, offshore Louisiana.

Texas Gas states that the subject facilities, which are not contiguous to its mainline system, were originally constructed and operated to support its merchant function by connecting supplies in the South Marsh Island Area to the ANR Pipeline Company's pipeline system for ultimate delivery to Texas Gas' mainline system. Due to the elimination of Texas Gas' merchant function and termination of third party transportation agreements, for delivery of the subject gas supplies to Texas Gas' mainline system, Texas Gas no longer has a firm transportation commitment involving the utilization of these facilities. As such, these facilities are no longer integral to Texas Gas' role as an open-access transporter, and abandonment of these facilities will enable Texas Gas to streamline its transmission operations.

Texas Gas states that abandonment, by sale, of these supply lateral facilities will not adversely affect any of Texas Gas' customers, since for the past several years, records show that these supply facilities have not been utilized.

Questions regarding the details of this proposal and communications concerning this application should be directed to: David N. Roberts, Manager of Certificates and Tariffs, Texas Gas Transmission Corporation, PO Box 20008, Owensboro, Kentucky, 42304; call (270) 688–6712.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before March 23, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments

considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5643 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–013]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 2, 2001.

Take notice that on February 27, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, the following tariff sheets, proposed to become effective on February 2, 2001 and the February 6, 2001, respectively:

Second Revised Volume No. 1

Substitute Sixth Revised Sheet No. 5B.07
Substitute Seventh Revised Sheet No. 5B.07

Transwestern states that the above sheets are being filed to revise the tariff sheet setting forth the negotiated rate agreement with Richardson Products Company to reflect language that was inadvertently omitted from Transwestern's February 1 filing in this proceeding. Transwestern's February 1 filing was made in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the webat 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. 01–5639 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–73–000, et al.]

Nevada Power Company, et al.; Electric Rate and Corporate Regulation Filings

March 1, 2001.

Take notice that the following filings have been made with the Commission:

1. Nevada Power Company and Reliant Energy Sunrise, LLC

[Docket No. EC01–73–000]

Take notice that on February 23, 2001, Nevada Power Company (Nevada Power) and Reliant Energy Sunrise, LLC (Reliant), filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization of a disposition of jurisdictional facilities associated with Nevada Power's sale to Reliant of its interests in the 359 MW Sunrise Station. The Applicants state that they request confidential treatment of certain data used in the analysis of the effect of the transaction on competition, as well as the Asset Sales Agreement, and have submitted a proposed Protective Order governing such data.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Coastal Merchant Energy, L.P.

[Docket No. ER01–198–001]

Take notice that on February 26, 2001, Coastal Merchant Energy, L.P. submitted a compliance filing as part of its Notice of Succession, which initially was filed on October 23, 2000, pursuant to 18 CFR 35.16 and 131.15 of the Commission's regulations. The compliance filing provides revised rate schedules, required to be submitted under Order No. 614, Docket No. RM99–12–000, issued March 31, 2000.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Mesquite Power, LLC

[Docket No. EG01–105–000]

Take notice that January 24, 2001, Mesquite Power, LLC, a Delaware limited liability company, with its principal office located at 101 Ash Street, San Diego, California 92101, filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's regulations. Applicant will operate a combined-cycle, natural gas-fired electric generating plant and related facilities with the nominal generating capacity of 1,000 MW (the Facility). The Facility will be located in Maricopa County, Arizona, approximately 35 miles west of the Phoenix metropolitan area. The Facility has not yet been constructed, but one 500 MW power block is projected to commence commercial operations in June 2003 with the other 500 MW power block expected to commence commercial operations in January 2004. Upon the completion and commencement of commercial operation of each power block in the Facility, Applicant will be engaged directly and exclusively in the business of operating an ''eligible facility'' and selling electric energy at wholesale. The Facility constitutes an ''eligible facility'' under Section 32(a)(2) of PUHCA

because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: March 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. San Diego Gas & Electric Company, Complainant, v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents. Investigation of Practices of the California Independent System Operator and the California Power Exchange

[Docket No. EL00–95–015; Docket No. EL00–98–014]

Take notice that on February 26, 2001, California Power Exchange Corporation made a filing to comply with the Commission's January 29, 2001 order in this proceeding, 94 FERC ¶ 61,085.

Comment date: March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Wyman LLC, Sithe Mystic LLC, AG–Energy, L.P., Power City Partners, L.P., Seneca Power Partners, L.P., Sterling Power Partners, L.P., Sithe Power Marketing, L.P., Sithe Power Marketing, Inc.

[Docket No. ER01–513–001]

Take notice that on February 26, 2001, Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Wyman LLC, Sithe Mystic LLC, AG–Energy, L.P., Power City Partners, L.P., Seneca Power Partners, L.P., Sterling Power Partners, L.P., Sithe Power Marketing, L.P. and Sithe Power Marketing, Inc. (together, the Sithe Jurisdictional Affiliates) tendered for filing proposed rate schedule designations in compliance with Order No. 614, for the Sithe Jurisdictional Affiliates' FERC Electric Rate Schedules Nos. 1 and 2, which were accepted for filing by the Commission in an Order issued in this proceeding on January 24, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER01–602–002]

Take notice that on February 26, 2001, Southern Company Services, Inc., as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively, Southern Companies), tendered for filing rate schedule sheets compliant with Commission Order No. 614 for Southern Operating Companies Rate Schedules FERC Nos. 66, 67, and 68 pursuant to the letter order in Docket No. ER01–602, dated January 24, 2001. The three Order No. 614 compliant rate schedules tendered for filing concern 1988 Unit Power Sales agreements between Southern Companies and Florida Power Corporation, Florida Power & Light, and Jacksonville Electric Authority.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER01–798–001]

Take notice that on February 26, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, an amendment to its filing to revise Schedules 4, 7 and 8 as well as Attachment 7 to its open access transmission tariff, PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff). The revisions modify the procedures used in the handling of energy imbalances and transmission losses under the Tariff.

PacifiCorp has requested an effective date of January 1, 2001.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER01–855–001]

Take notice that on February 26, 2001, Wisconsin Electric Power Company (Wisconsin Electric) resubmitted for filing a Coordinated Operating Agreement, designated as Rate Schedule Number 101, between Wisconsin Electric and Consumers Energy Company.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER01–1321–000]

Take notice that on February 26, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69542023).

This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1—5 Generating Station.

Provider and Customer are requesting an effective date of March 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Electric Power Company

[Docket No. ER01–1322–000]

Take notice that on February 26, 2001, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing a Notice of Cancellation effective January 1, 2001 of an Interchange Agreement, as amended, designated as Rate Schedule FERC No. 68 on September 30, 1992, between Wisconsin Electric and Madison Gas and Electric Company.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER01–1323–000]

Take notice that on February 26, 2001, Deseret Generation & Transmission Co-operative, Inc. (Desert), tendered for filing with the Federal Energy Regulatory Commission (FERC) notices of cancellation of Service Agreement Nos. 21 and 23 to Deseret Generation & Transmission Co-operative, Inc., FERC Electric Tariff, Original Volume No. 2.

Deseret requests an effective date of February 26, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER01–1324–000]

Take notice that on February 22, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69543598).

This service agreement has a yearly firm transmission service with American Electric Power via the Gibson Unit Nos. 1—5 Generating Station.

Provider and Customer are requesting an effective date of March 1, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER01–1325–000]

Take notice that on February 26, 2001, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the

Commission's Rules and Regulations, a Long-Term Firm Transmission Service Agreement with Powerex Corporation (Powerex) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. American Electric Power Service Corporation

[Docket No. ER01–1327–000]

Take notice that on February 26, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing replacement blanket Service Agreements for existing customers under customers under the AEP Companies' Power Sales Tariffs. The Power Sales Tariffs were accepted for filing by the Commission as FERC Electric Tariff Original Volume No. 5, Effective October 10, 1997 in Docket Number ER 97–4143–00 and FERC Electric Tariff Original Volume No. 8, Effective January 8, 1998 in Docket Number ER 98–542–000.

AEPSC respectfully requests waiver of notice to permit the Service Agreements to be made effective to be effective on or prior to February 1, 2001.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. American Electric Power Service Corporation

[Docket No. ER01–1328–000]

Take notice that on February 26, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing a Request for Power (RFP) and associated Power Supply Agreement (Supply Agreement) for a firm power sale exceeding one year in length between AEPSC and Public Utility District No. 1 of Snohomish County (Snohomish) under the terms and conditions of the RFP, Supply Agreement, the Western System Power Pool (WSPP) Agreement effective July 1, 2000 in Docket ER99–541–000 as amended and AEPSC's Power Sales Tariff. The Power Sales Tariff was accepted for filing effective October 10, 1997, and has been designated AEP Companies' FERC Electric Tariff Original Volume No. 5 in Docket ER97–4143–000.

AEPSC respectfully requests waiver of notice to permit the RFP and Supply Agreement to be made effective on or prior to February 1, 2001.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Idaho Power Company IDACORP Energy Solutions, LP

[Docket No. ER01–1329–000]

Take notice that on February 26, 2001, Idaho Power Company (IPCO) and IDACORP Energy Solutions, LP (IES) filed the Agreement for Electricity Supply Management Services between Idaho Power Company and IDACORP Energy Solutions, LP. In addition, IES filed a Market Rate Power Sale Tariff and IPCO filed an amendment to its Market Rate Power Sale Tariff.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. El Paso Merchant Energy, L.P.

[Docket No. ER01–1330–000]

Take notice that on February 26, 2001, El Paso Merchant Energy, L.P. submitted a Notice of Succession pursuant to 18 CFR 35.16 and 131.15 of the Commission's regulations. El Paso Merchant Energy, L.P. is succeeding to the Rate Schedule FERC No. 1 filed by Coastal Merchant Energy, L.P. in Docket No. ER01–198–001. This rate schedule should now be designated as El Paso Merchant Energy, L.P., Original Rate Schedule No. 2, effective February 1, 2001.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Xcel Energy Operating Companies, Northern States Power Company

[Docket No. ER01–1332–000]

Take notice that on February 26, 2001, Northern States Power Company (NSP), a wholly-owned utility operating company subsidiary of Xcel Energy Inc., tendered for filing (a) a letter agreement to extend the Distribution Facilities Agreement between NSP and the City of Shakopee, Minnesota (City), and (b) a letter agreement to extend a previously approved interim rate for the period January 1, 2001, through December 31, 2001

NSP requests the letter agreements be accepted for filing effective January 1, 2001, and requests waiver of the Commission's notice requirements in order for the Agreements to be accepted for filing on the date requested.

Comment date: March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. 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, N.E., Washington, D.C. 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 or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5636 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2659–011 Oregon]

PacifiCorp; Notice of Availability of Draft Environmental Assessment

March 2, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the Powerdale Hydroelectric Project, and has prepared a Draft Environmental Assessment (Draft EA). The project is located on the Hood River, near the town of Hood River, in Hood River County, Oregon. The Draft EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly

affect the quality of the human environment.

Copies of the Draft EA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For further information, contact Bob Easton, Team Leader, at (202) 219–2782. 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. 01–5641 Filed 3–7–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6949–1]

Proposed CERCLA Prospective Purchaser Agreement; Master Metals, Inc., Superfund Site; City of Cleveland, Cuyahoga County, OH

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9601 *et seq.*, and the authority of the Attorney General of the United States to compromise and settle claims of the United States as delegated, notice is hereby given of a proposed prospective purchaser agreement concerning a portion of the Master Metals, Inc., Superfund site at 2850 W. Third Street, Cleveland, Cuyahoga County, Ohio, 44113, with the Northern Ohio Lumber & Timber Company (NOLTCO). The agreement covers the entire facility portion of the site, approximately 4.3 acres. The agreement requires NOLTCO to pay $2,000 to the Hazardous Substance Superfund; to grant future access rights; to record appropriate deed notices; to undertake operation and maintenance of the site remedy in the future; and to provide for site security in the future. The agreement includes a covenant not to sue NOLTCO under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) and contribution protection for NOLTCO under section 113(f)(2), 42 U.S.C. 9613(f)(2). For thirty (30) days following the date of publication of this notice, the United States will receive written comments relating to the agreement. The United States will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations which indicate that the agreement is inappropriate, improper, or inadequate. The United States' response to any comments received will be available for public inspection at U.S. EPA, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604. Please contact Gwen Massenburg, Remedial Project Manager, at (312) 886–0983 to make arrangements to inspect the comments.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: The proposed settlement is available for public inspection at U.S. EPA, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604. A copy of the proposed agreement may be obtained from Kris Vezner, Assistant Regional Counsel, at U.S. EPA, Region 5, 77 W. Jackson Boulevard (C–14J), Chicago, IL 60604, phone (312) 886–6827. Comments should reference the ''Master Metals, Inc., Superfund Site—Cleveland—prospective purchaser agreement,'' and should be addressed to Mr. Vezner.

FOR FURTHER INFORMATION CONTACT: Kris Vezner, Assistant Regional Counsel, at U.S. EPA, Region 5, 77 W. Jackson Boulevard (C–14J), Chicago, IL 60604, phone (312) 886–6827.

Dated: February 9, 2001.

William E. Muno,

Director, Superfund Division, U.S. EPA Region 5.

[FR Doc. 01–5599 Filed 3–7–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

Special Executive Session

DATE & TIME: *Thursday, March 1, 2001, following the open meeting.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting was Closed to the Public Pursuant to 11 CFR 2.4(b)(1).

ITEM TO BE DISCUSSED: Personnel.

DATE & TIME: *Tuesday, March 13, 2001 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting will be Closed to the Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g. Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: *Thursday, March 15, 2001 at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting will be Open to the Public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes. Draft Advisory Opinion 2000–30: Pac.com by counsel, Ronald B. Turovsky. Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 01–5834 Filed 3–6–01; 12:42 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011550–007.

Title: ABC Discussion Agreement.

Parties: A.P. Moller-Maersk Sealand, Evergreen Marine Corp. (Taiwan) Ltd., Hamburg-Sud, King Ocean Service, S.A., Seafreight Line, Ltd.

Synopsis: The proposed agreement modification, among other things, (1) adds authority for the parties to enter into joint service contracts, adopt voluntary contract guidelines, and share vessel space on an ad hoc basis; (2) revises agreement membership provisions; and (3) deletes Evergreen Marine as a party.

Agreement No.: 011672–003.

Title: CSAV Group Cooperative Working Agreement.

Parties: Compania Sud Americana de Vapores S.A., Companhia Libra de Navegacao, Norasia Container Lines Limited, Montemar Maritima S.A., CSAV Sud Americana de Vapores S.A.

Synopsis: The proposed amendment adds CSAV Sud Americana de Vapores S.A. to the agreement.

Agreement No.: 011733–001.

Title: Common Ocean Carrier Platform Agreement.

Parties: A.P. Moller-Maersk Sealand, P&O Nedlloyd Limited, Hamburg Sud, Mediterranean Shipping Company, S.A., CMA CGM, Hapag-LLoyd Container Line GmbH.

Synopsis: The proposed amendment clarifies that Inttra shall not negotiate or mediate between any member and their shipper customers, provides for class A voting stock and class B non-voting stock ownership in Inttra, provides procedures for appointing a director to the Board of Directors, provides for the appointment of a Chief Executive Officer, and makes clarifying changes and deletions in the text.

Agreement No.: 011743–002.

Title: Global Transportation Network Agreement.

Parties: ANZDL Limited, APL Co. PTE Ltd., Canada Maritime Limited, Cast Line Limited, Contship Containerlines Limited, CP Ships Holding Inc., Crowley Maritime Corporation, CSAV Group Cooperative Working Agreement, Compania Sud American De Vapores S.A., Norasia Container Lines Limited, Montemar Maritima S.A., Companhia Libra de Navagacao, Hanjin Shipping Co., Ltd, Kawasaki Kisen Kaisha, Ltd., Lykes Lines Limited, LLC, Mexican Line Limited, Mitsui O.S.K. Lines, Ltd., Senator Linie GmbH & Co., KG, Wan Hai Lines Ltd., Zim Israel Navigation Company, Hyundai Merchant Marine Co., Ltd, Yangming Marine Transport Corp.

Synopsis: The proposed modification adds the CSAV Group Cooperative Working Agreement (FMC Agreement No. 011672) as a single party. The parties have requested expedited review.

Agreement No.: 201073–001.

Title: Oakland—Hanjin Terminal Agreement.

Parties: Port of Oakland, Hanjin Shipping Co., Ltd.

Synopsis: The proposed amendment clarifies China National Foreign Trade Transportation Group Corp's. status as a primary user under the agreement.

Agreement No.: 201116.

Title: Marine Terminal Management Agreement between Broward County and South Stevedoring, Inc.

Parties: Broward County (a political subdivision of the State of Florida) South Stevedoring, Inc.

Synopsis: The proposed agreement assigns certain property to South Stevedoring, Inc. for use as a container terminal yard. The terminal agreement runs through February 28, 2021.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–5598 Filed 3–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carriers and Ocean Freight Forwarders—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Central Ocean Freight Inc., 1 River Place, Rm. 2113, New York, NY 10036, Officer:, Joeson Ko, President, (Qualifying Individual)

Movingarrow Logistics, 13337 South Street, Suite 280, Cerritos, CA 90703, Officer: Norman Kao, President (Qualifying Individual)

Max Oshima Inc. d/b/a Maxway Freight Systems, 929 West Spruce Street, Inglewood, CA 90301, Officers: Kuniaki Alex Tamaki, Vice President (Qualifying Individual) Max Oshima, President

Sea-Go International, Incorporated, 400 Washington Street, Mount Holly, NJ 08060, Officers: Roy J. Lombardo, President (Qualifying Individual) Steven G. Ochs, CEO

V.I.P. Relocations, Ltd., 21–01, 44 Road, Long Island City, NY 11101, Officers: Robert Hendler, President (Qualifying Individual) Richard McCombie, Vice President

Smartlink (U.S.A.), Inc., 184–45 147th Avenue, Suite 102, Springfield Gardens, NY 11413, Officer: Horace Wang, President (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Skycel Inc. d/b/a Econcargo, 8220 NW 68th Street, Miami, FL 33166, Officers: Veronica Caraballo, Vice President (Qualifying Individual) Jose Luis Maza, President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

Fagioli USA, Inc., 3050 Post Oak Boulevard, Suite 205, Houston, TX 77056–6570, Officers: Lothar Kammerer, Vice President (Qualifying Individual) Giovanni Fagioli, President

Oceanic Container Line, Inc. d/b/a Global Logistics Solutions, 167–21 Porter Road, Suite 201, Jamaica, NY 11434, Officer: Kenney W. Whitman, President (Qualifying Individual)

Aero Logistics of the United States of America, Inc., 270 Lawrence Avenue, So. San Francisco, CA 94080, Officers: Kelly Kirk, Operations Manager Rick Baggetta, President (Qualifying Individuals) Tony Bonino, CEO

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–5595 Filed 3–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 4620F.
Name: Benjamin N.K. Ho d/b/a Horizon International Co.
Address: 1310 E. Ocean Blvd., #603, Long Beach, CA 90802.
Date Revoked: January 28, 2001.
Reason: Failed to maintain a valid bond

License Number: 15940N.
Name: Chunho Sea-Air Incorporated.
Address: 1360 Landmeier Road, Elk Grove Village, IL 60007.
Date Revoked: January 28, 2001.
Reason: Failed to maintain a valid bond

License Number: 4268F.
Name: J & S Universal Services, Inc. dba Patrick & Rosenfeld Shipping Corp.
Address: 1420 NW 82nd Avenue, Miami, FL 33126.

Date Revoked: January 26, 2001.
Reason: Failed to maintain a valid bond

License Number: 14718N.
Name: Kintetsu Flexipak, Inc.
Address: 3414 Yale Street, Houston, TX 77018.
Date Revoked: February 7, 2001.
Reason: Failed to maintain a valid bond

License Number: 14173NF.
Name: Pactrans Marine, Inc.
Address: 12801 South Figueroa Street, Los Angeles, CA 90061.
Date Revoked: January 26, 2001.
Reason: Failed to maintain a valid bond

License Number: 15474N.
Name: Phantom Transport, Inc.
Address: 18732 Crenshaw Blvd., Torrance, CA 90504.
Date Revoked: February 9, 2001.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–5596 Filed 3–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date reissued
4335NF ...	International Services, Inc., 2907 Empress Ct., Valrico, FL 33594.	December 1, 2000.
3863F	Tera Trading Group, Inc., d/b/a T.T.G. International Freight Forwarders, 1850 N.W. 82nd Avenue, Miami, FL 33126.	January 14, 2001.

Sandra L. Kusumoto,
Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–5597 Filed 3–7–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 22, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Eunice Barker, Dunlap, Tennessee; Flavius Barker, Naomi Barker, both of Columbia, Tennessee; Glenn Barker and Patsy Barker, both of Dunlap, Tennessee; Greg Barker, Dunlap, Tennessee; Glenda Mabry, and Carl D. Mabry, both of Lenoir City, Tennessee; Allen Barker, Dunlap, Tennessee; Ann Hale, and Harmon L. Hale, both of Dunlap, Tennessee; John Barker, Dunlap, Tennessee; Charles Barker, Dunlap, Tennessee; and Sara Hampton, Terry, Mississippi; all to retain voting shares of Sequatchie Valley Bancshares, Inc., Dunlap, Tennessee, and thereby indirectly retain voting shares of Citizens Tri-County Bank, Dunlap, Tennessee.

Board of Governors of the Federal Reserve System, March 2, 2001.

Robert deV. Frierson
Associate Secretary of the Board.

[FR Doc. 01–5606 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Citigroup Inc., New York, New York; Citigroup Holding Company, Wilmington, Delaware; and Citicorp, New York, New York; to acquire 100 percent of the voting shares of European American Bank, New York, New York.

B. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. BB&T Corporation, Winston-Salem, North Carolina; to merge with Virginia Capital Bancshares, Inc., Fredericksburg, Virginia, and thereby indirectly acquire voting shares of Fredericksburg State Bank, Fredericksburg, Virginia.

C. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. NBOG Bancorporation, Inc., Gainesville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Gainesville, Gainesville, Georgia (in organization).

D. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Shamrock Bancshares Employee Stock Ownership Plan, Coalgate, Oklahoma; to become a bank holding company by acquiring 25 percent of the voting shares of Shamrock Bancshares, Inc., Coalgate, Oklahoma; and thereby indirectly acquire voting shares of First National Bank, Coalgate, Oklahoma; First National Bank, Mountain View, Oklahoma; Bryan County National Bank, Caddo, Oklahoma; Clayton State Bank, Clayton, Oklahoma; and First Bank of Apache, Apache, Oklahoma.

Board of Governors of the Federal Reserve System, March 2, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5607 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 22, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. National Bancshares, Inc., Bettendorf, Iowa; to acquire FirstCity Mortgage Corp., Bettendorf, Iowa; and thereby engage in residential real estate lending, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, March 2, 1001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5608 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 2001.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. PSB Bancorp, Inc., Philadelphia; to acquire Jade Financial Corp., Feasterville, Pennsylvania, and IGA Federal Savings Bank, Feasterville, Pennsylvania, and thereby engage in owning, controlling, or operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, March 5, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–5722 Filed 3–7–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–23]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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 for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

National Public Health Performance Standards Program State Public Health System Assessment—New—Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

Since 1998, the CDC National Public Health Performance Standards Program has convened workgroups with the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health

(NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the essential services of public health. In the fall of 2000, CDC conducted field tests with the state public health survey instruments in Hawaii, Minnesota, and Mississippi.

CDC is now proposing to implement a formal, voluntary data collection, based on the lessons learned during field testing, to assess the capacity of state public health systems to deliver the Essential Services of Public Health. Electronic data submission will be the method of choice when state and territorial health departments complete the public health assessment.

An estimated 33% of the 59 state and territorial health departments are expected to participate in the National Performance Standards Program during the first year. In year 2, an additional 25% are expected to complete the assessment. There are no cost to respondents.

NATIONAL PERFORMANCE STANDARDS PROGRAM BURDEN TABLE

Respondents	Responses per respondent	Average burden response (in hrs.)	Total burden hours
Year 1			
20	1	15	300
Year 2			
15	1	15	225

Dated: March 2, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5730 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–24]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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 for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

National Public Health Performance Standards Program Local Public Health System Assessment—Revised—Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC).

Since 1998,the CDC National Public Health Performance Standards Program has convened workgroups with the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health (NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the ten Essential Services of Public Health. In the fall of 2000, CDC conducted field tests with the local public health survey instruments in the States of Hawaii, Minnesota, and Mississippi.

CDC is now proposing to implement a voluntary data collection to assess the capacity of local public health systems to deliver the Essential Public Health Services. Electronic data submission will be the method of choice. If computer technology in local jurisdictions does not support electronic submission, hard-copy survey instruments will be available. Local jurisdictions using hard-copy survey instruments will receive assistance from State or local level field coordinators for web-based data entry.

Local health departments will respond to the survey on behalf of the collective body of representatives from the local public health system. An estimated 25% of approximately 3,500 United States local health departments are expected to participate in the National Performance Standards Program during the first year. In year 2, an additional 30% are expected to complete the assessment. The remaining 25% of local health agencies are expected to collaborate with and submit survey data with other respondents. There are no cost to respondents.

NATIONAL PERFORMANCE STANDARDS PROGRAM BURDEN TABLE

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden per response (in hrs.)
Year 1				
Local Public Health Agencies	875	1	11	9,625
Year 2				
Local Public Health Agencies	1050	1	11	11,550
Total				22

Dated: March 2, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5731 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–18–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Supplement to HIV/AIDS Surveillance (SHAS) Project, OMB No. 0920–0262—Extension—National Center for HIV/STD and Tuberculosis Prevention, Centers for Disease Control and Prevention (CDC) is proposing to extend the currently approved questionnaire for the Supplement to HIV/AIDS Surveillance (SHAS) project. This questionnaire provides detailed information about persons with HIV infection which continues to be of significant interest to public health, community, minority groups and affected groups.

Since 1989, the CDC, in collaboration with 12 State and local health agencies, has collected data through the national Supplemental HIV/AIDS Surveillance project. The objective of this project is to obtain increased descriptive information on persons with newly reported HIV and AIDS infections, including sociodemographic characteristics, risk behaviors, use of health care services, sexual and substance abuse behaviors, minority issues and adherence to therapy. The revised questionnaire will address important emerging surveillance and prevention issues, particularly those related to the recent advances in therapy for HIV infection. This information supplements routine national HIV/AIDS surveillance and is used to improve CDC's understanding of minority issues related to the epidemic of HIV, target educational efforts to prevent transmission, and improve services for persons with HIV infection. The total annual burden hours are 3,625.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (In hours)	Total burden hours
Arizona	250	1	1	250
California	400	1	1	400
Colorado	150	1	1	150
Connecticut	250	1	1	250
Delaware	250	1	1	250
Florida	400	1	1	400
Georgia	350	1	1	350
Kansas	125	1	1	125
Maryland	150	1	1	150
Michigan	200	1	1	200
Minnesota	150	1	1	150
New Jersey	250	1	1	250
New Mexico	100	1	1	100
S. Carolina	250	1	1	250
Texas	200	1	1	200
Washington	150	1	1	150

Dated: March 2, 2001.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–5732 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–22]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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 for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Tests and Requirements for Certification and Approval of Respiratory Protective Devices (42 CFR 84 Regulation) OMB No. 0920–0109—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The regulatory authority for the National Institute for Occupational Safety and Health (NIOSH) certification program for respiratory protective devices is found in the Mine Safety and Health Amendments Act of 1977 (30 U.S.C. 577a, 651 *et seq.*, and 657(g)) and the Occupational Safety and Health Act of 1970 (30 U.S.C. 3, 5, 7, 811, 842(h), 844). These regulations have, as their basis, the performance tests and criteria for approval of respirators used by millions of American construction workers, miners, painters, asbestos removal workers, fabric mill workers, and fire fighters. In addition to benefitting industrial workers, the improved testing requirements also benefit health care workers implementing the current CDC Guidelines for Preventing the Transmission of Tuberculosis. Regulations of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) also require the use of NIOSH-approved respirators. NIOSH, in accordance with implementing regulations 42 CFR 84: (1) Issues certificates of approval for respirators which have met improved construction, performance, and protection requirements; (2) establishes procedures and requirements to be met in filing applications for approval; (3) specifies minimum requirements and methods to be employed by NIOSH and by applicants in conducting inspections, examinations, and tests to determine effectiveness of respirators; (4) establishes a schedule of fees to be charged applicants for testing and certification, and (5) establishes approval labeling requirements. There are no cost to respondents.

Section/data type	Average number of respondents	Responses per respondent	Average burden per response (in hours)	Total burden in hours
84.11/Applications	61	7	64	27,328
84.33/Labeling	61	7	2	854
84.35/Modifications	61	7	79	33,733
84.41/Reporting	61	7	23	9,821
84.43/Recordkeeping	61	7	57	24,339
84.257/Labeling	61	7	2	854
84.1103/Labeling	61	7	2	854
Total				97,783

Dated: February 28, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–5733 Filed 3–7–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Notice No. ACF/ACYF/RHYP 2001–01]

Notice of Availability of Financial Assistance for the Runaway and Homeless Youth Programs

AGENCY: Family and Youth Services Bureau, ACF, DHHS.

ACTION: This Notice announces the availability of financial assistance for the FY 2001 Basic Center Program for Runaway and Homeless Youth (BCP) and FY 2001 Street Outreach Program (SOP).

This Notice announces the availability of the official FY 2001 Program Announcement. The official announcement must be used to apply for grant funding under the competitive grant areas and is available by calling or writing the ACTF Operations Center (address below) or by downloading the announcement for the FYSB website at *http:/www.acf.dhhs.gov/programs/FYSB?fund-anncmt.htm.*

Legislative Authority: Grants for Runaway and Homeless Youth programs

are authorized by the Runaway and Homeless Youth Act (RHY Act) as amended by Pub. L. 106–71.

Deadlines: The deadlines for RECEIPT of applications for new grants under this announcement are as follows:

CFDA#	Programs	Deadline dates	Deadline times
93.623	Basic Center Program	May 4, 2001	4:30 p.m. (EDT).
93.557	Street Outreach Program	May 4, 2001	4:30 p.m. (EDT).

Mailing and Delivery Instructions: Applications must be in hard copy. Mailed applications and applications hand delivered by applicants, applicant couriers, overnight/express mail couriers or any other method of hand delivery shall be considered as meeting an announced deadline if they are received on or before the deadline, at the following address: ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209, Telephone: 1–800–351–2293, email: FYSB@lcgnet.com.

Applications may be hand delivered to the above address between the hours of 8:00 a.m. and 4:30 p.m. (EDT) Monday through Friday (excluding Federal Holidays.)

Applicants are responsible for mailing and delivering applications well in advance of deadlines to ensure that the applications are received on time. Applications received after 4:30 p.m. (EDT) on the deadline date will be classified as late. Postmarks and other similar documents do not establish receipt of an application.

ACF will not accept applications delivered by fax or e-mail regardless of date or time of submission and receipt.

Late Applications: Applications which do not meet the criteria stated above and are not received by the deadline date and time are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

Extension of Deadline: ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

SUPPLEMENTARY INFORMATION: Grant awards for FY 2001 funds will be made by September 30, 2001, for the Basic Center and Street Outreach Programs.

The estimated funds available for new starts and the approximate number of new grants that may be awarded under this program announcement are as follows:

Competitive grant area	New start funds available	Estimated No. of new grants
A. BCP	$16,700,000	120
B. SOP	8,800,000	88

In addition to the new start grants, the Administration for Children and Families has provided for non-competitive continuation funds to current grantees in the following programs:

Grant area	Funds available	No. of grants
A. BCP	$24,997,929	241
B. SOP	4,817,193	53

Part 1. Competitive Grant Areas and Summaries of Evaluation Criteria

Applicants must refer to the specific evaluation criteria for each competitive area contained in the official Program Announcement in order to adequately prepare their applications.

A. Basic Centers Program, CFDA# 93.623 (Competitive Grant Area A)

Program Purpose, Goals and Objectives

The purpose of this program is to establish or strengthen locally controlled, community-based programs that address the immediate needs of runaway and homeless youth and their families. Services must be delivered outside of the law enforcement, child welfare, mental health and juvenile justice systems. The program goals and objectives of the Basic Center Program are to:

- Alleviate problems of runaway and homeless youth;
- Reunite youth with their families and encourage the resolution of intra-family problems through counseling and other services.
- Strengthen family relationships and encourage stable living conditions for youth; and
- Help youth decide upon constructive courses of action.

Eligible Applicants

Any State, unit of local government, combination of units of local government, public or private nonprofit agency, organization or institution is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for Basic Center grants. Indian Tribes that are not federally recognized and urban Indian organizations are also eligible to apply for grants as private, nonprofit agencies.

Current Basic Center grantees with project periods ending on or before September 30, 2001, and all other eligible applicants not currently receiving Basic Center funds, may apply for a new competitive Basic Center grant under this announcement.

Current Basic Center Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2001 may not apply for a new Basic Center grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for noncompetitive continuation grants.

Federal Share of Project Costs

Priority will be given to applicants that apply for less than $200,000 per year. The maximum Federal share for a 3-year project period is $600,000.

Applicant Share of Project Costs

Grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a three-year project costing $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period) must provide a match of at least $30,000 ($10,000 per budget period). Grantees will be held accountable for commitments of non-Federal resources even if over the amount of the required match. Failure to provide the amount will result in disallowance of Federal match.

Duration of Project

This announcement solicits applications for Basic Center programs of up to three years duration (36-month project periods). Initial grant awards,

made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competitive continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

B. Street Outreach Program, CFDA# 93.557 (Competitive Grant Area B)

Program Purpose, Goals and Objectives

The overall purpose of SOP is to provide education and prevention services to runaway, homeless and street youth who have been subjected to or are at risk of sexual exploitation or abuse. The goal of the program is to establish and build relationships between street youth and program outreach staff in order to help youth leave the streets. The objective of the program is to provide support services that will assist the youth in moving and adjusting to a safe and appropriate alternative living arrangement. These services include, at a minimum, treatment, counseling, provision of information and referral services. Street outreach programs must have access to local emergency shelter space that is an appropriate placement for young people and that can be made available for youth willing to come in off the streets. In addition, street outreach staff must have access to the shelter in order to maintain interaction with the youth during the time they are in the shelter.

Eligible Applicants

Any private, nonprofit agency is eligible to apply for these funds. Non-Federally recognized Indian Tribes and urban Indian organizations are eligible to apply for grants as private, non-profit agencies. Please note that public agencies are NOT eligible to apply for these funds.

Current Street Outreach Program grantees with project periods ending on or before September 30, 2001, and all other eligible applicants not currently receiving SOP funds, may apply for a new competitive SOP grant under this announcement.

Current Street Outreach Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2001 may not apply for a new Street Outreach grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for continuation grants.

Federal Share of Project Costs

Applicants may apply for up to $100,000 in Federal support each year, a maximum of $300,000 for a 3-year project period. The maximum Federal share of project costs is $100,000 for 12 months.

Applicant Share of Project Cost

SOP grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. (There are certain exceptions for Tribes with ''638'' funding pursuant to Pub. L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, e.g., those which contribute to the purposes for which grants under section 638 were made.) The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a project requesting $100,000 in Federal funds must include a match of at least $10,000.

Duration of Project

This announcement solicits applications for Street Outreach Program projects of up to three years (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competing continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be considered subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

Summary of Evaluation Criteria for Competitive Areas A and B (BCP and SOP)

Criterion 1: Objectives and Need for Assistance (15 points)

Applications will be judged on how clearly they identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated. Applications will need to specify the goals and objectives of the project and how implementation will fulfill the purposes of the program. Applications should describe the conditions of youth and families in the area to be served; the incidence and characteristics of runaway, homeless or street youth and their families; the existing support systems for at-risk youth and families in the area, including other agencies providing services to runaway and homeless youth in the area.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 2: Results or Benefits Expected (20 points)

Applications will be judged on how clearly they identify the results and benefits to be derived, specify services to be provided, who will receive services, where and how these services will be provided, and how the services will benefit the youth families and the community to be served.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 3: Approach (35 points)

Applications will be judged on how clearly they outline a plan of action which: Describes the scope and detail of how the proposed work will be accomplished; accounts for all functions or activities identified in the application; cites factors which might accelerate or decelerate the work and reasons for taking the proposed approach rather than others. Applications are encouraged to describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Applicants must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families and to submit the required Annual Report to the Secretary of HHS on program activities and accomplishments with statistical summaries and other required program and financial reports, as instructed by FYSB.

Applications will be judged on the extent to which they describe the program's youth development approach or philosophy and indicate how it underlies and integrates all proposed activities. Applicants will be expected to list organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution; describe formal service linkages and plans for coordination with other agencies; describe plans for conducting outreach and encouraging awareness of

and sensitivity to the diverse needs of runaway and homeless youth who represent particular ethnic and racial backgrounds and sexual orientations. Applicants are encouraged to describe the type, capacity and staff supervision of the shelter that will be available for youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 4: Staff and Position Data (10 points)

Applicants will be judged on whether they provide a resume and biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed. Applicants will be expected to list organizations and consultants who will work on the program along with a short description of the nature of their effort or contribution.

Applicants will be expected to provide information on plans for training project staff as well as staff of cooperating organizations and individuals and state the expected or estimated ratio of staff to youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 5: Organizational Profile (10 points plus 5 possible bonus points)

Applicants will be expected to provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. Bonus points shall be awarded to applicant organizations who have demonstrated experience in providing services to runaway, homeless and street youth.

Applicants will be expected to provide a plan for project continuance beyond grant support, including a plan for securing resources and continuing project activities after Federal assistance has ceased and an annotated listing of applicant's funding sources. Such plans should include written agreements, if applicable, between grantees and subgrantees or subcontractors or other cooperating and letters of support and statements from community, public and commercial leaders that support the project proposed for funding.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 6: Budget and Budget Justification (10 points)

Applicants will be expected to provide a detailed line item budget and a narrative budget justification that describes how the categorical costs are derived. Applicants will be judged on how clearly they discuss the necessity, reasonableness, and allocability of the proposed costs and how clearly they describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement and accurate accounting of funds received.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Part 2. Required Notification of the Single Point of Contact

Most portions of this program are covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Application for Federal Assistance, Standard Form 424, item 16.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. A list of the Single Points of Contact for each State and Territory can be found on the web site *http://www.whitehouse.gov/omb/grants/spoc.html.* or by calling the ACYF Operations Center at 1–800–351–2293.

Dated: March 2, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–5654 Filed 3–7–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Child Support Enforcement; Statement of Organization, Functions and Delegations; Correction

AGENCY: Office of Child Support Enforcement (OCSE), ACF, DHHS.

ACTION: Notice; correction.

SUMMARY: This notice corrects the Office of Child Support Enforcement Statement of Organization, Functions and Delegations published in the **Federal Register** on January 29, 2001 (66 FR 8116). It corrects the standard administrative codes, and the responsibilities of one Division; and makes a technical correction.

FOR FURTHER INFORMATION CONTACT: Marilyn R. Cohen, Administration for Children and Families, Office of Child Support Enforcement, 370 L'Enfant Promenade, SW., Washington, DC 20447, Phone: 202–401–5366.

Correction

In the cited issuance on page 8117 in section b. KF.10 Organization, correct the standard administrative codes by removing them and replacing them as follows:

Office of Director/Deputy Director/Commissioner (KFA)
Office of Audit (KFAA)
Office of Grants Management (KFAB)
Office of Mandatory Grants (KFAC)
Office of the Deputy Commissioner (KFB)
Office of Automation and Program Operations (KFB1)

Division of Federal Systems (KFB11)

Division of State and Tribal Systems (KFB12)

Division of Management Services (KFB2)

Division of Consumer Services (KFB3)

Division of Planning, Research, and Evaluation (KFB4)

Division of Policy (KFB5)

Division of Special Staffs (KFB6)

Division of State, Tribal and Local Assistance (KFB7)

Description of Division/Office Changes

In addition, we are making a technical correction by removing the last word of the first paragraph on page 8119, ''Tries'' and replacing it with ''Tribes.''

Also, on page 8119 we are removing in its entirety paragraph KFB6. Division of State, Tribal, and Local Assistance and replacing it with the following:

KFB6. Division of State, Tribal and Local Assistance, in concert with regional offices, provides information and assistance on CSE operations. It provides national direction and leadership for training and technical assistance activities and regional operations to increase CSE program effectiveness both at Federal and State/tribal levels; develops guides and resource materials and serves as a clearinghouse for specialized program techniques for use by ACF regional offices and States and tribes. The Division, through its Technical Assistance Branch, ensures the transfer of best practices among States/tribes and local CSE agencies and coordinates technical assistance nationally. The Division operates a national CSE training center which includes the operation of the National Electronic Resource System; provides logistical support for both training events and meetings; and monitors contracts with organizations affiliated with child support enforcement programs in the areas of training and technical assistance. The Division, through the Special Initiatives Branch, provides outreach and liaison services to a variety of special interest populations.

Dated: March 2, 2001.

Diann Dawson,

Acting Principal Deputy Assistant Secretary, Administration for Children and Families.

[FR Doc. 01–5758 Filed 3–7–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2636]

Guidance for Industry on Levothyroxine Sodium; Questions and Answers; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Levothyroxine Sodium: Questions and Answers.'' The guidance is intended to answer questions concerning applications for orally administered levothyroxine sodium drug products.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Drug Information Branch (HFD 210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA 305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD 7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 594 2041.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Levothyroxine Sodium: Questions and Answers.'' In the **Federal Register** of August 18, 1999 (64 FR 44935), FDA announced the availability of a draft version of this guidance. The August 18, 1999, document gave interested persons 60 days to submit comments. FDA has revised the guidance in response to comments. Among the revisions being made is that FDA has extended the deadline for levothyroxine sodium drug products to have approved applications from August 14, 2000, to August 14, 2001. This extension was announced in the **Federal Register** on April 26, 2000 (65 FR 24488).

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking on issues concerning applications, including applications under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)), for levothyroxine sodium. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cder/guidance/index.htm.

Dated: March 1, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5609 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–1149]

Guidance for Industry on Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro Dissolution Testing; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro

Dissolution Testing.'' This guidance is intended to assist sponsors of new drug applications (NDA's) for levothyroxine sodium tablets who wish to conduct in vivo pharmacokinetic and bioavailability studies and in vitro dissolution testing for their products.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Mei-Ling Chen, Center for Drug Evaluation and Research (HFD–350), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5688.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Levothyroxine Sodium Tablets—In Vivo Pharmacokinetic and Bioavailability Studies and In Vitro Dissolution Testing.'' This guidance contains agency recommendations on how to design in vivo pharmacokinetics and bioavailability studies and perform in vitro dissolution testing for levothyroxine sodium tablets, which were identified as new drugs in a notice published in the **Federal Register** of August 14, 1997 (62 FR 43535).

FDA announced the availability of a draft version of this guidance in the **Federal Register** of June 10, 1999 (64 FR 31280). The June 1999 draft document gave interested persons 60 days to submit comments. FDA carefully considered the comments it received and has made appropriate revisions. A separate section on biowaiver has been added to clarify information that appeared elsewhere in the draft guidance. The guidance also specifies that plasma/serum profiles and pharmacokinetic measures should be presented without adjustment of baseline levels.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The guidance represents the agency's current thinking on in vivo pharmacokinetic and bioavailability studies and in vitro dissolution testing for levothyroxine sodium tablets. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain this guidance at http://www.fda.gov/cder/guidance/index.htm.

Dated: March 1, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5610 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0331]

Medical Devices; Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revision to the guidance document entitled ''Guidance for Staff, Industry and Third Parties: Implementation of Third Party Programs Under the FDA Modernization Act of 1997.'' The revised guidance supersedes the October 30, 1998, guidance. FDA has amended the October 30, 1998, guidance to include criteria for the review of additional moderate risk (class II) devices by accredited persons under the Federal Food, Drug, and Cosmetic Act (the act). The revised guidance will assist those who are interested in participating in the expanded program, which is now in effect.

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance entitled ''Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: John F. Stigi, Center for Devices and Radiological Health (HFZ–220), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–443–6597.

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 1996, FDA began a voluntary Third Party Review Pilot Program for selected medical device premarket notifications (''510(k)'s''). The purpose of the pilot program was to: (1) Provide manufacturers of eligible devices an alternative 510(k) review process that could yield more rapid marketing clearance decisions; and (2) enable FDA to target its scientific review resources at higher risk devices, while maintaining confidence in the review by third parties of low-to-moderate risk devices. Under the program, all class I devices that were not exempt from 510(k) at that time and 30 class II devices were eligible for third party review.

The Food and Drug Administration Modernization Act of 1997 (FDAMA) was signed into law by former President Clinton on November 21, 1997. Section 210 of FDAMA essentially codified and expanded the Third Party Review Pilot Program by establishing section 523 of the act (21 U.S.C. 360m). Section 523 of the act directs FDA to accredit third

parties (accredited persons) in the private sector to conduct the initial review of 510(k)'s for low-to-moderate risk devices and make recommendations to FDA regarding the initial classification of these devices under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)). FDA published criteria in the **Federal Register** of May 22, 1998 (63 FR 28388), to grant or deny accreditation to persons who request to review 510(k)'s. In addition, FDA issued a list of devices that were eligible for review by accredited persons (May 20, 1998), which was updated in June 2000 to include additional class II devices for which device-specific guidance exists. This list is available on the Internet at http//www.fda.gov/cdrh/thirdparty. FDA also issued a guidance document entitled ''Guidance for Staff, Industry and Third Parties: Implementation of Third Party Programs Under the FDA Modernization Act of 1997'' (October 30, 1998). On November 21, 1998, FDA began accepting reviews and recommendations from accredited persons. Concurrently, FDA terminated the Third Party Review Pilot Program that began on August 1, 1996.

Industry use of third parties has been low. In an effort to encourage greater use of the Accredited Persons Program, the agency announced in the **Federal Register** of July 18, 2000 (65 FR 44540), a proposal to initiate a pilot that would allow third parties to review a significantly greater number of devices (hereinafter referred to as the July 2000 notice). Accordingly, FDA issued a draft revision of the October 30, 1998, guidance document and made available a proposed list of additional devices that would be eligible under the pilot.

The pilot would expand the device list by allowing, subject to certain specified conditions, third party review of class II devices for which device-specific guidance does not exist. Until now, device-specific guidance has existed for each class II device that is eligible for third party review. The pilot program would also include devices for which there is an exemption from 510(k). That is, if a new version of an exempted device requires a 510(k) because it exceeds the limitations of the 510(k) exemption for that device (as described in FDA's device classification regulations), the device would be eligible for third party review. The pilot, together with the existing device list, would allow third party review of all class I and class II devices regulated by CDRH that the agency believes are not prohibited from such review under the statute. Section 523(a)(3)(A) of the act specifies that an accredited person may not review: (1) A class III device, (2) a class II device which is intended to be permanently implanted or life-supporting or life-sustaining, or (3) a class II device which requires clinical data in the report submitted under section 510(k). (Section 523 of the act sets limits on the number of class II devices that may be ineligible for accredited person review because clinical data are required.)

As with the current Accredited Persons Program, the pilot would not include 510(k)'s that require multi-Center review (e.g., 510(k)'s for drug/device combination products) or devices for which the Center for Biologics Evaluation and Research has primary responsibility for review. FDA believes that the expanded number of devices resulting from the pilot and the existing program will be sufficient to satisfy the criteria in section 523(c) of the act that trigger a 4- or 5-year timeframe for the duration of the Accredited Persons Program.

Both the draft revised guidance document and the July 2000 notice provided an opportunity for public comment, which closed September 1, 2000. Based on the comments received, the following substantive changes have been incorporated into the final version of the revised guidance.

1. Section II.B (Outline of the Accredited Persons Review Program—Purpose and Nature of the Program) has been revised as follows:

- FDA has clarified that accredited persons should receive expanded accreditation in order to review devices in the pilot.
- The recommended conditions for participation in the pilot have been revised. The condition that an accredited person complete three successful 510(k) reviews under the third party program in order to participate in the pilot has been retained. However, the condition that at least one of the reviews be in the same or a similar medical specialty area as the pilot devices that the accredited person intends to review has been removed. Also, the condition that an accredited person contact the appropriate CDRH Office of Device Evaluation (ODE) Branch Chief (or designee) before initiating a review of a device under the pilot has been revised. The revised condition for prereview contact applies only if the accredited person has not previously reviewed this type of device, i.e., a prereview contact is expected for the accredited person's first review of a particular device type but not for subsequent reviews of the same device type.
- The stated purpose of the prereview contacts has been revised for consistency with the above changes. Also, FDA has clarified that an accredited person's summary of prereview contacts: (1) Should be submitted to ODE with the accredited person's 510(k) review, (2) does not require prior ODE review or concurrence, and (3) is intended to be a simple record of the contacts rather than an ''agreement'' or de facto guidance.

2. Section II.B (Outline of the Accredited Persons Review Program—Devices Eligible for Accredited Person Review) has been revised to state that FDA will monitor the pilot continuously and will conduct a review 24 months, rather than 12 months, after it begins.

3. Section II.B (Outline of the Accredited Persons Review Program—Identification of an Accredited Person) has been revised to remove language encouraging manufacturers to use multiple accredited persons. In this context, the language was interpreted as suggesting that manufacturers should not interact repeatedly with the same accredited person, which was not FDA's intent.

FDA believes that the revised guidance will contribute to timely and consistent third party reviews of 510(k)'s for the expanded list of devices. Accredited persons who wish to expand their accreditation to include devices in the pilot should submit a request to FDA, as described in Section III of the revised guidance document.

II. Significance of Guidance

This guidance represents the agency's current thinking on expanding the scope of the Accredited Persons Program to include all devices not excluded by statute. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This guidance document is issued as a Level 1 guidance consistent with FDA's GGP's regulation.

III. Electronic Access

In order to receive ''Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry, and Third Parties'' via your fax machine, call CDRH Facts-on-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first

voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number (1160) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the civil money penalty guidance documents package, device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh ''Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry and Third Parties'' is available at http://www.fda.gov/cdrh/thirdparty.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the guidance at any time. Such comments will be considered when determining whether to amend the current guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 26, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5611 Filed 3–7–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Circles of Care, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. No. of awards	Project period
Circles of Care	May 10, 2001	$2.4 million	7–9	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of application received. FY 2001 funds for the activity discussed in this announcement were appropriated by Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), PO Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants to federally recognized tribal governments and urban Indian organizations to plan, design, and assess the feasibility of implementing a culturally appropriate system of care for American Indian and Alaska Native (AI/AN) children and their families who are experiencing or are at risk of serious emotional/behavioral disturbance. This is the second issuance of the grant program which seeks to provide tribal communities with tools and resources to design systems of care for their children that reflect the unique needs of their communities. This grant program will not fund actual services. An important focus will be to integrate traditional healing methods indigenous to the communities with conventional treatment methodologies.

Eligibility: Tribal governments and urban Indian organizations as defined by the Indian Self Determination Act, Pub. L. 93–638, and the Indian Health Care Improvement Act, Pub. L. 94–437 can apply. The terms ''Indian,'' ''tribal,'' ''AI/AN,'' and ''Native American'' include Alaska Native organizations. Collaboration with tribal colleges or universities is strongly encouraged. Previous Circle of Care grantees are not eligible to apply.

Availability of Funds: Approximately $2.4 million will be available for 7–9 awards. The average award will be approximately $275,000 per year in total costs (direct and indirect), with awards ranging from $250,000–$350,000. Actual funding levels will depend on the availability of funds, state population, problems identified in the National Household Survey on Drug Abuse, and other factors.

Period of Support: Support may be requested for up to 3 years. Annual non-competitive awards depend on the availability of funds and progress achieved.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with

established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues contact: Jill Shepard Erikson, M.S.W. and Gary De Carolis, M.Ed., Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–16, Rockville, MD 20857, Telephone: 301–443–1333, Email: *jerickso@samhsa.gov,* gdecarol@samhsa.gov.

For questions regarding grants management issues, contact: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rm 13–103, Rockville, MD 20857, (301) 443–4456, E-mail: gsimpson@samhsa.gov.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA

[FR Doc. 01–5615 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA) HHS.

ACTION: Notice of funding availability, revision of program announcement and notice of special racial and ethnic minority initiative.

SUMMARY: The Substance Abuse and Mental Health Services Administration's Center for Mental Health Services in partnership with the Center for Substance Abuse Treatment and the Center for Substance Abuse Prevention announces the availability of FY 2001 funds for the following activity. This activity has two parts. The first action is to announce a technical revision of the standing program announcement for the Community Action Grants Program. The second activity is to announce a Notification of Funding Availability for a Special Racial and Ethnic Priority Initiative under the Community Action Program.

This notice is not a complete description of the activity; potential applicants must obtain a copy of the Program Announcement, including Part I, Community Action Grants for Service Systems Change and a copy of the Special Racial and Ethnic Minority Initiative; and Part II, General Policies and Procedures Applicable to all SAMHSA Guidance for Applicants for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
Re-issuance of Community Action Grant & Special Racial and Ethnic Minority Initiative.	May 10, 2001 & Sept. 10, 2001.	$5.1 million	34–51	1 year.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
	May 10, 2001	$1.2 million	8–12	1 year.

The actual amount available for the award may vary, depending on the unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) in cooperation with the Center for Substance Abuse Treatment (CSAT) and the Center for Substance Abuse Prevention announce a technical revision to the Community Action Grant Program Announcement. This revision corrects typographical errors and includes information on the availability of Fiscal Year 2001 funds for these grants.

The grant program supports the adoption and implementation of exemplary practices related to the delivery and organization of services for children with serious emotional disturbances or adults with serious mental illness. The target population may also have co-occurring disorders, such as substance abuse or other mental, emotional, or behavioral disorders. This program is made up of two types of grants: Phase I grants focusing on consensus building and decision support, and Phase II grants focusing on implementation support.

In addition, an addendum is announced for a Racial and Ethnic Minority Priority Initiative. This addendum announces the availability of funds to support the adoption and implementation of exemplary practices related to the delivery and organization of services to racial and ethnic minority persons with serious emotional and substance abuse problems. Racial and ethnic minorities are African American, Asian American/Pacific Islander, Hispanic American, and American Indians/Alaskan natives adults and adolescents who are mentally ill and/or ''at risk'' for alcohol and illicit drug problems or are seriously chemically dependent. The review committee will determine whether the target population as identified in the application is responsive to the program announcement. If an application is determined to be unacceptable under the requirement of this addendum but addressed mental illness with or without co-occurring disorders, it will be reviewed under the general program announcement.

Eligibility: For the Community Action Grant Program, eligibility for Phase I is limited to units of State or local governments, tribal governments and organizations, and domestic private nonprofit organizations such as community-based organizations, faith-based organizations, provider and consumer groups, universities, colleges, and health care organizations. SAMHSA encourages applications from consumer and family organizations. For Phase II, applications are restricted to past or current Phase I grantees. To be eligible, Phase II applicants must demonstrate that they have met Phase I requirements and are ready to implement their exemplary practices.

For the Racial and Ethnic Minority Priority Initiative, eligibility is restricted to units of State and local governments, including tribal governments, and domestic private nonprofit organizations such as community-based organizations, faith-based organizations, universities, colleges, and hospitals. SAMHSA encourages applications from consumer and family organizations.

Availability of Funds: For the Community Action Grant Basic Program, approximately $5.1 million will be available for 24–36 Phase I awards and 10–15 Phase II awards. The average award will be approximately $100,000 per year in total costs (direct and indirect), with awards ranging from $50,000 to $150,000 under the general announcement. For the addendum, approximately $1.2 million will be available for 8–12 awards. The award amounts are expected to range from $50,000 to $150,000 in total costs (direct and indirect).

Period of Support: Support may be requested for a period of up to one year.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Santo J. (Buddy) Ruiz, Program Director, Community Support Programs Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–22, Rockville, MD 20857, (301) 443–3653.

For questions regarding grants management issues, contact: Steve Hudak, Division of Grants Management, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, Maryland 20857, (301) 443–4456.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health

officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5685 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA), including Part I, State Incentive Cooperative Agreements for Community-Based Action, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. no. of awards	Project period
State Incentive Cooperative Agreements for Community-Based Action	April 18, 2001	$28,000,000	8–12	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of Fiscal year 2001 funds for cooperative agreements for implementing State Incentive Grant (SIG) Programs. This program calls for governors to develop and implement a comprehensive statewide substance abuse prevention strategy to optimize the use of all State and Federal substance abuse prevention funding streams and resources including: the 20 percent primary prevention set-aside from the SAPT Block Grant, the funds from this SIG program, and the additional financial support from

Federal agencies, States, and communities. The Sig program has three goals: (1) Coordination of funding; (2) development of a comprehensive prevention State system; and (3) assistance to States in measuring progress in reducing substance use by establishing targets for measure included in the National Household Survey on Drug Abuse.

Eligibility: Offices of the Governor for states and territories that currently receive the Substance Abuse Prevention and Treatment Block grant may apply. Eligible applicants are limited to: Governor of a state or territory; President of a territory that has a President; and the Chairman of the Tribal Council of the Red Lake Band of Chippewa. If you have received a SIG in FY 1997, 1998, 1999, or 2000 you may not apply.

Availability of Funds: Approximately $28 million will be available for 8–12 awards. The average award will be approximately $3 million per year in total costs (direct and indirect), with awards ranging from $2 million to $5 million. Actual funding levels will depend on the availability of funds, state population, problems identified in the National Household Survey on Drug Abuse and other factors.

Period of Support: Awards may be requested for up to 3 years. Annual continuation awards during this 3–year cycle will depend on the availability of funds and progress achieved by grantees.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Dave Robbins or Patricia Getty, Division of State and Community Systems Development, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 930, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0369, E-Mail *drobbins@samhsa.gov Pgetty@samhsa.gov*.

For questions regarding grants management issues, contact: Edna Frasier, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, 6th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6816, E-Mail: *efrazier@samhsa.gov*.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5613 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration(SAMHSA), HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Grants for Statewide Consumer Networks, and Part II, General Policies and Procedures Applicable to all

SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est no. of awards	Project period
Grants for Statewide Consumer Networks	May 4, 2001	$1,500,000	25	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), PO Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing Grants for Statewide Consumer Networks. These will support State level consumer networks—organizations to manage a set of activities that will assist consumers to participate in the development of policies, programs, and quality assurance activities related to mental health. The program goals are: (1) Foster leadership and management skills; (2) engage consumers; (3) strengthen organizational relationships; and (4) identify and implement technical assistance needs.

Eligibility: Nonprofit entities that meet all of the following requirements are eligible to apply: Controlled and managed by mental health consumers; dedicated to the improvement of mental health services statewide; in existence as an operating organization for more than one year at the time of the receipt date for this GFA; and have a board of directors comprised of more than 50% consumers.

Availability of Funds: Approximately $1,500,000 will be available for approximately 25 awards. Individual awards should be no more than $60,000 in total cost (direct and indirect). Actual funding levels will depend upon the availability of funds.

Period of Support: Support may be requested for a period of up to three years. Annual continuation awards will be made subject to continued availability of funds and progress achieved.

Criteria for Review and Funding—General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Risa Fox, Community Support Programs Branch, Division of Knowledge Development and Systems Change, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–22, Rockville, MD 20857, (301) 443–3653, E-Mail: rfox@samhsa.gov.

Questions on grants management issues should be directed to: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–105, Rockville, MD 20857, (301) 443–4456, E-Mail: gsimpson@samhsa.gov.

Public Health Grants Management System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine

education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 2, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–5614 Filed 3–7–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–11]

Notice of Proposed Information Collection: Comment Request, Disaster Recovery Grant Reporting (DRGR) System

AGENCY: Office of the Assistant Secretary for Community Planning and Development HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 7, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Sheila E. Jones, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 7230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jan C. Opper, Senior Program Officer, Office of Block Grant Assistance, U.S. Department of Housing and Urban Development, 451 Seventh St., SW, Washington, DC 20410; telephone number (202) 708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. FAX inquiries may be sent to Mr. Opper at (202) 401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Disaster Recovery Grant Reporting (DRGR) System.

OMB Control Number, if applicable: 2506–0165.

Description of the need for the information and proposed use: HUD requires that grantees submit quarterly reports to the Department on the use of HUD Community Development Block Grant (CDBG) disaster recovery funds (a.k.a. HUD Disaster Recovery Initiative). This information must be submitted to HUD no later than 30 days following each calendar quarter. HUD uses the information to submit quarterly reports to the Congress that are required by Public Laws 105–18, 105–174, and 105–277. The reports to Congress must cover the use of grant funds, especially those for or associated with buyouts.

This reporting also meets the requirement that cities, counties, and states must submit a performance report on the use of CDBG disaster recovery funds in accordance with 42 U.S.C. 5304(e) and 24 CFR 91.520 no later than 90 days following the end of each 12 month period.

Agency form numbers, if applicable: Not applicable. This is a computerized data system operating on the worldwide web.

Members of affected public: State and local governments.

Estimation of the total numbers of hours needed to prepare the information collection including number of responses, frequency of response, and hours of response:

Number of respondents—about 160;
Frequency of response—quarterly per grantee;
Hours of response—128 hours annually per grantee (116 hours for record keeping; 12 hours for reporting).

Status of the proposed information collection: Reinstatement.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 1, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–5699 Filed 3–7–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4666–N–01]

Waiver of Regulations Issued by HUD; Clarification of Authority During Transition Period

AGENCY: Office of the Secretary, HUD.

ACTION: Statement of policy.

SUMMARY: The purpose of this statement of policy is to clarify the scope of persons authorized to waive regulations under an earlier statement of policy published in the **Federal Register** on April 22, 1991.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General

Counsel for Regulations, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, room 10276, Washington, DC 20410; telephone (202) 708–3055 (this number is not a toll free number). Hearing- and speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235) added a new section 7(q) to the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q). The provision provides that the Secretary may delegate authority to approve a waiver of HUD regulations ''only to an individual of Assistant Secretary rank or equivalent rank'' who is authorized to issue the regulation to be waived. On April 22, 1991, the Department published in the **Federal Register** (at 56 FR 16337) HUD's statement of policy on this provision. Among other things, the April 22, 1991 statement of policy provided that: ''Individual of equivalent rank means an individual with rank equivalent to an Assistant Secretary.'' The 1991 policy statement also noted that the term includes the following HUD officers: the General Counsel, the Inspector General, and the President of the Government National Mortgage Association (GNMA).

Under this provision, the Department limited the authority to waive regulations to individuals occupying positions nominated by the President, by and with the consent of the Senate. This policy also prohibited individuals occupying positions requiring Senate confirmation from further re-delegating the authority to waive regulations, even to individuals who have been delegated authority concurrent with the individual occupying a position that required Senate confirmation.

This statement of policy, published in today's **Federal Register**, clarifies the scope of ''individuals of equivalent rank'' to include persons who are designated authority to perform the functions and duties of the vacant office under a published Order of Succession. The Department's Orders of Succession, consistent with 42 U.S.C. 3535(d), ensure that waivers of regulations will be exercised only by individuals who have authority to perform the functions and duties of the vacant office. The waiver authority and procedures covered in today's policy statement are interim and continue only until individuals nominated by the President to offices requiring Senate confirmation are confirmed by the Senate and sworn into office. Nothing in today's statement of policy otherwise changes the scope of the April 22, 1991 statement of policy.

Justification

Clarifying the scope of individuals of equivalent rank under the April 22, 1991 policy statement is essential to ensure that, during this period of critical vacancies in positions requiring Presidential appointment and Senate confirmation, the business of the Department is not seriously impaired by the absence of individuals occupying positions requiring Senate confirmation. The Department continues to receive a significant number of requests for waivers. Failing to respond to these requests in a timely, considered manner may have significant adverse effects on HUD grantees and undercut the Department's credibility with the public. This clarification is also consistent with the Department's April 22, 1991 statement of policy. In that statement, the Department noted that:

> The only other persons who are authorized to waive a regulation are those serving in an ''acting'' capacity. Thus, persons formally authorized to act for the Secretary, Deputy Secretary, or an Assistant Secretary in that officer's absence may exercise the waiver authority of that individual. Use of this power is limited to situations in which an official is designated as, and is performing the duties of, the absent official pursuant to a current, written order of succession signed by the appropriate official.

As contemplated by the April 22, 1991 statement of policy, the Department has put into place written Orders of Succession to ensure an orderly flow of the authority of those vacant positions which require Senate confirmation. The published orders are consistent with the Vacancies Reform Act of 1998 and may be found at 65 FR 51014, August 22, 2000 (for the Office of Community Planning and Development; 65 FR 6655, November 6, 2000 (for the Office of Public and Indian Housing); 65 FR 51015, August 22, 2000 (for the Office of Housing-Federal Housing Commissioner); 65 FR 66550, November 6, 2000 (for the Office of Fair Housing and Equal Opportunity); and 63 FR 66193, December 12, 1998 (for the Office of Policy, Development and Research).

Legal Concurrence in Waivers Procedure

All proposed waivers of regulations under today's statement of policy must be concurred in by the Associate General Counsel who serves as program counsel to the program office and by the General Counsel or the Deputy General Counsel for Housing Finance and Operations or his or her designee. It should be noted that this procedure is broader than that outlined in the statement of policy dated April 22, 1991, because this procedure now requires concurrence on all waivers.

Notification to the Public

The Department will continue to notify the public of all waivers of regulations subject to Section 106 of the Department of Housing and Urban Development Reform Act of 1989 and this Statement of Policy. Specifically, the provisions of the April 22, 1991 statement of policy addressing timing of notice, content of notice and public inspection continue unchanged.

Dated: March 2, 2001.

Mel Martinez,

Secretary.

[FR Doc. 01–5698 Filed 3–7–01; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RIN 1035

Privacy Act of 1974: As Amended; Revisions to Existing System of Records; Office of the Special Trustee for American Indians

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records

SUMMARY: Under the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of our intent to change an existing Privacy Act system of records notice entitled, Interior BIA–03 ''Indian Individual Monies''. The revisions will change the name and number of the system to Interior OS–02, ''Individual Indian Monies.'' Other changes to Interior BIA–03 include updating data in the following fields: System Locations, System Manager, Categories of Records Covered by the System, Authority for Maintenance of the System, Routine Uses of Records Maintained in the System, Storage, Retrievablility, Safeguards, Systems Manager, and Records Source Categories.

DATES: Any persons interested in commenting on the proposed revisions to this system of records may do so by submitting comments in writing to the Office of the Secretary Privacy Act Officer, U.S. Department of the Interior, MS 1414 MIB, 1849 C Street NW.,

Washington, DC 20240. Comments received on or before April 17, 2001 will be considered. The system will be effective as proposed unless we receive comments that lead us to change it. The Office of the Secretary will publish a revised notice if changes are made based upon a review of comments received.

FOR FURTHER INFORMATION CONTACT: Director, Office of Trust Records, 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

SUPPLEMENTARY INFORMATION: In this notice, the Department of the Interior is proposing to amend Interior BIA–03, ''Individual Indian Monies,'' (now renamed and renumbered Interior OS–02) to reflect the organizational changes made by the transfer of the system from the Bureau of Indian Affairs to the Office of the Secretary, Office of the Special Trustee for American Indians (OST). These changes help the Secretary carry out fiduciary responsibilities required under the American Indian Trust Fund Management Reform Act of 1994, Pub. L. 103–412, 108 Stat. 4239.

Thus, the Office of the Secretary proposes to amend ''Individual Indian Monies,'' BIA–03 to read as shown below.

Dated: March 5, 2001.

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer.

INTERIOR/OS–02

SYSTEM NAME:

Individual Indian Money (IIM) Trust Funds—Interior, OS–02

SYSTEM LOCATIONS:

(a) U.S. Department of the Interior, Office of Trust Records (OTR), 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

(b) U.S. Department of the Interior, Office of Trust Funds Management (OTFM), 505 Marquette NW, Suite 1000, Albuquerque, NM 87102.

(c) OTFM field locations including area, agency, and regional offices.

(d) Office of contractors processing individual Indian trust fund accounts under contract to OTFM or OTR.

(e) Tribal offices of tribes that have compacted or contracted the individual Indian trust fund management function from OTFM under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2203, as amended.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians, or their heirs, who have accounts held in trust status by the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Data on trust accounts in automated systems including the Trust Fund Accounting System (TFAS), the Trust Asset and Accounting Management System (TAAMS), and the Integrated Records Management System (IRMS).

(b) Imaged documents on individual Indian trust accounts.

(c) Data related to financial and investment activity from individual Indian trust accounts.

(d) Data related to custodianship of investments for individual Indian trust accounts.

(e) Paper records related to individual Indian trust accounts, including jacket folders, and financial documents such as accounting, reconciliation, and transaction data related to receipts, disbursements, investments, bonds, transfers, etc. This type of information includes a person's name, aliases, sex, birth date, address, Social Security Number, account number, tribal membership number, and blood quantum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 116, 117(a)(b)(c), 118, 119, 120, 121, 151, 159, 161(a), 162(a), 4011, 4043(b)(2)(B).

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

The system's main purposes are to:

(a) Manage the collection, investment, distribution, and disbursement of individual income for Indian trust land.

(b) Disclose to the account holders of Indian trust funds, the status of their holding (by quarterly statements and on request).

(c) Provide information for Indian trust funds program management purposes.

Disclosures outside the Department of the Interior may be made to:

(a) Individual Indian trust account holders (or their heirs).

(b) Contractors who service and maintain the system for the Department ensuring that all provisions of the Privacy Act, the Trade Secrets Act, the Indian Minerals Development Act and all other applicable laws, regulations, and policies relating to contracting and record security are met.

(c) The U.S. Department of Justice, or to a court, adjudicative or other administrative body, or to a party in litigation before a court or adjudicative or administrative body, when:

(1) One of the following is a party to the proceeding or has an interest in the proceeding:

(i) The Department or any component of the Department;

(ii) Any Department employee acting in his or her official capacity;

(iii) Any Department employee acting in his or her individual capacity where the Department or the Department of Justice has agreed to represent the employee; or

(iv) The United States, when the Department determines that the Department is likely to be affected by the proceeding; and

(2) We deem the disclosure to be:

(i) Relevant and necessary to the proceeding; and

(ii) Compatible with the purpose for which we compiled the information.

(c) Another Federal agency to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(d) The appropriate Federal, state, tribal, or local or foreign governmental agency that is responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation order or license, when we become aware of an indication of a violation or potential violation of the statute, rule, regulation, order or license.

(e) A congressional office in response to an inquiry by that office by the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

The OST stores records in one of two ways:

(a) Current paper records (such as jacket files, financial data files, ledgers, and reports) placed in file cabinets; others are stored in boxes on shelves.

(b) Automated data and images stored on magnetic tape and on optical disks in approved containers.

RETRIEVABILITY:

Records are retrieved using either:

(a) Identifiers linked to individual Indian trust account holders such as name, social security numbers, tribe, tribal enrollment, or census numbers, or

(b) Organizational links and identifiers such as account numbers, tribal codes, trust account codes, and other identifiers.

SAFEGUARDS:

Following the requirements under 5 U.S.C. 552(e)(10) and 43 CFR 2.51 (a)(b) for security standards, the Office of the Secretary has taken security measures to protect system documentation by equipping our offices and workplaces with the following safeguards:

(a) Cypher-lock access or storing documents in locked file cabinets.

(b) Warning signs posted to limit access to authorized people.

(c) Storage facilities protected by locked entryways or security guards.

(d) Sign-in and sign-out logs for access to storage facilities by requestors researching, acquiring, or delivering documents.

RETENTION AND DISPOSAL:

The OST receives and produces records that it sends to OTR and records service centers in Albuquerque, NM. After a period of time to be specified in an authorized OTFM Records Retention Schedule, OTR transfers records to the appropriate Federal Records Center or National Archives and Records Administration facility.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Trust Records, 6301 Indian School Road NE., Suite 300, Albuquerque, NM 87110.

NOTIFICATION PROCEDURES:

To determine whether your records are in this Privacy Act system of records, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.60. Provide the following information with your request:

(a) Proof of your identity.

(b) List of all of the names by which you have been known, such as maiden name or alias.

(c) Your Social Security Number.

(d) Mailing address.

(e) Tribe, tribal enrollment or census number.

(f) Bureau of Indian Affairs home agency.

(g) Time period(s) that records belonging to you may have been created or maintained, to the extent known by you. (See 43 CFR 2.60(b)(3)).

RECORD ACCESS PROCEDURES:

To request access to records, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.63. Provide the following information with your request:

(a) Proof of your identity.

(b) List of all of the names by which you have been known, such as maiden name or alias.

(c) Your Social Security Number.

(d) Mailing address.

(e) Tribe, tribal enrollment or census number.

(f) Bureau of Indian Affairs home agency.

(g) Time period(s) that records belonging to you may have been created or maintained, to the extent known by you.

(h) Specific description or identification of the records you are requesting (including whether you are asking for a copy of all of your records or only a specific part of them), and the maximum amount of money that you are willing to pay for their copying. (See 43 CFR 4.63(b)(5)).

CONTESTING RECORD PROCEDURES:

To request an amendment of a record, contact the System Manager at the address listed above in writing. The request must meet the requirements of 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

(a) Bureau of Indian Affairs, Office of Trust Funds Management, Minerals Management Service, Bureau of Land Management, Office of Hearings and Appeals, and other appropriate agencies in the Department of the Interior. Other Federal and State agencies.

(b) Individual Indian trust account holders, or their heirs. Depositors into the accounts and claimants against the accounts.

(c) Tribal offices if the IIM function is contracted or compacted under the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2203, as amended.

(d) Courts of competent jurisdiction, including tribal courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–5665 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Renewal Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service has submitted to OMB the requirements for collection of information from applicants who wish to obtain a permit to conduct activities under the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Convention on International Trade in Endangered Species, and for collection of report information about activities conducted under permits. OMB approval of information collections is required under the Paperwork Reduction Act. If you wish to obtain copies of the proposed information collection requirements, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

DATES: OMB has up to 60 days to approve or disapprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must submit comments on or before April 9, 2001.

ADDRESSES: Send your comments and suggestions on specific requirements to the Office of Management and Budget, Attention: Department of the Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503, and to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: For further information regarding this submission or to request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at (703) 358–2287, or electronically to *rmullin@fws.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L., 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We published a 60-day notice inviting public comment on this information collection in the **Federal Register** on September 6, 1999 (65 FR 54060). We received no comments.

We have submitted a request to OMB for renewal of their approval for the information collections assigned OMB control numbers 1018–0022 and 1018–0099, and to approve several new forms. We are not allowed to conduct or sponsor a collection of information, and a person is not required to respond to a request for information, unless it displays a currently valid OMB control number.

We requested renewed approval of the collection of information for Service license/permit application forms 3–200–6 through 3–200–18. We also requested approval for a new application form 3–200–67 for special Canada goose permits, for which the collection of information was assigned OMB approval number 1018–0099 during the rulemaking process (64 FR 32774, June 17, 1999). We have requested that the special Canada goose information collection be incorporated under OMB No. 1018–0022. We also requested

approval for permit reporting forms 3–202–1 through 3–202–5, which supersede forms 3–202a, 3–202c, 3–430b, and 3–430d. Also, we are requesting approval for three new report forms, 3–202–7, 3–202–8, and 3–202–9. These new report forms do not represent new information collections. Rather, we have taken existing report forms that covered several permit types and created new forms tailored to the specific permit activity. This will make each report form easier for permittees to understand and complete. We also requested approval for a streamlined application form that is specific to renewing expired or expiring permits (3–200–68). This does not represent a new information collection-merely a specific form to facilitate renewal requests. Finally, we requested approval for two new application forms, 3–200–69 and 3–200–70, which will assist individuals and entities in obtaining permits under the Convention on International Trade in Endangered Species and the Bald and Golden Eagle Protection Act to temporarily transport eagle parts into and out of the United States, as authorized by a recent amendment of 50 CFR 22.21 and 22.22 (64 FR 50467; September 17, 1999). We requested a 3-year term of approval for this information collection activity, which is the maximum term allowed.

We have reformatted and revised all of our application and report forms to improve clarity and presentation. This should improve the completeness of applications and reports we receive and reduce delays associated with having to contact applicants and permittees for additional information or clarification. Revisions were made to the annual report forms to (1) clarify the information being collected, (2) convert report form numbers to consecutive numbers, (3) eliminate collection of certain information that we no longer track, and (4) reorganize the forms to accommodate future electronic submission of data. For instance, on rehabilitation annual reports, instead of collecting certain information on each individual birds received by the permittee, we will collect a summary of the information by species. All of our forms will be available on the Internet following OMB approval.

We invite comments concerning this information collection, including on: (1) Whether the collection of information is necessary for the proper perWormance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information 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. The information collections in this program are part of a system of records covered by the Privacy Act 95 U.S.C. 552(a)).

The information on the application forms will be used to determine whether an applicant meets criteria established in the various migratory bird treaties, laws, and regulations for issuance of a permit or whether a permit must be suspended, revoked, or denied. Information on the report forms will be used to monitor permit compliance and track species taken from the wild.

The information collection requirements in this submission implement the regulatory requirements of the Migratory Bird Treaty Act (16 U.S.C. 704) (50 CFR part 21), the Lacey Act (18 U.S.C. 42–44)(50 CFR part 14), the Bald and Golden Eagle Protection Act (16 U.S.C. 668)(50 CFR part 22), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 UST 108)(50 CFR part 23), and are contained in Service regulations in Chapter I, Subchapter B of Title 50 Code of Federal Regulations (CFR). Common permit application and recordkeeping requirements have been consolidated in 50 CFR part 13.

The individual permit types with information collection requirements, the estimated number of responses per year, the burden hours, and the applicable regulatory authority are included in the table below. Since the previous **Federal Register** notice, we changed the annual report form numbers to make them consecutive. In addition, some data in the table have been updated since the previous notice. With the exception of special Canada goose permits (5 years), depredation permits (1 year), golden eagle nest permits (2 years), and Indian religious permits (indefinite), most migratory bird permits are valid for 3 years. Most of these permits are renewable. To renew a permit, an applicant may complete a renewal application instead of the regular application for the type of permit he or she holds. Therefore, the figures in the Total No. of Responses column do not reflect the total number of requests received annually for a given type of permit.

Activity and application and report form number (* means report form used for more than one permit activity)	Total No. of responses (annually)	Estimated completion time (hr)	Total annual burden hours	Regulatory authority
Import/Export, 3–200–6	61	1	61	50 CFR 21.2, 21.11, 21.21.
Scientific Collecting, 3–200–7	91	4	364	50 CFR 21.2, 21.11, 21.23.
Annual Report, 3–202–1*	484	1	484	
Taxidermy, 3–200–8	604	1	604	50 CFR 21.2, 21.11, 21.24.
Waterfowl Sale and Disposal, 3–200–9	98	1	98	50 CFR 21.2, 21.11, 21.25.
Notice of Transfer, 3–186*	8,002	0.17 (10 min)	1,333	
Annual Report, 3–202–	1,540	0.5 (30 min)	770	
Canada Goose, 3–200–57	3	6	18	50 CFR 21.2, 21.11, 21.26.
Annual Report 3–202–9	3	1	3	
Special Purpose Permits:				
—Salvage, 3–200–10a	184	1	184	50 CFR 21.2, 21.11, 21.27.
AnnualReport-Salvage, 3–202–3	1,772	1	1,772	
—Rehabilitation, 3–200–10b	129	2.5	322	
Annual Report-Rehab., 3–202–4	2,134	1.5	3,201	
—Education Possession/Live, 3–200–10c	86	2.5	215	
Annual Report-Edu-Poss/Live, 3–202–5*	571	1	571	
—Education Possession/Dead, 3–200–10d	56	2	112	
Ann. Report-Edu-Poss/Dead, 3–202–5*	167	1	167	
—Game Bird Propagation, 3–200–10e	18	1	18	
Notice of Transfer, 3–186*	300	0.17 (10 min)	50	
Ann. Report Game Bird Prop., 3–202–6	73	0.5 (30 min)	36	

Activity and application and report form number (* means report form used for more than one permit activity)	Total No. of responses (annually)	Estimated completion time (hr)	Total annual burden hours	Regulatory authority
—Miscellaneous, 3–200–10f	20	1	20	
Ann. Report, 3–202–7	227	0.5 (30 min)	113	
Falconry, 3–200–11	283	1	283	50 CFR 21.2, 21.11, 21.28.
Disposition Report, 3–186 A*	11,000	0.17 (10 min)	1,833	
Raptor Propagation, 3–200–12	48	1.5	72	50 CFR 21.2, 21.11, 21.30.
Disposition Report, 3–186 A*	5,000	0.17 (10 min)	833	
Annual Report—Raptor Prop., 3–202–8	389	1	389	
Depredation, 3–200–13	788	1.5	1,182	50 CFR 21.2, 21.11, 21.41.
Annual Report—Depredation, 3–202–9*	2,542	1	2,542	
Bald & Golden Eagle:				
—Exhibition, 3–200–14a	31	2.5	77	50 CFR 22.1, 22.2, 22.12, 22.21.
Annual Report—Education, 3–202–5*	1,743	1	1,743	
—Scientific Collecting/Research, 3–200–14b	2	3	6	
Ann. Report—Sci. Collecting, 3–202–1*,	24	1	24	
Eagle—Native American Religious: Permit Application, Shipping Request, and Tribal Certification, 3–200–15/15a.	1,083	0.5 (30 min)	541	50 CFR 22.1, 22.2, 22.12, 22.22.
Take of Depredating Eagles, 3–200–16	11	1	11	50 CFR 22.1, 22.2, 22.12, 22.23.
Annual Report Depredation, 3–202–9*	11	1	11	
Eagle Falconry, 3–200–17	2	1	2	50 CFR 22.1, 22.2, 22.12, 22.24.
Take of Golden Eagle Nests, 3–200–18	2	4	8	50 CFR 22.1, 22.2, 22.12, 22.25.
Renewal of a Permit, 3–200–68	7,444	0.25 (15 min)	1,861	50 CFR 13.21, 13.22.
CITES Import/Export/Eagle Transport for Exhibition/Scientific Research, 3–200–69.	50	1	50	50 CFR 22.21, 23.11, 23.12, 23.13, 23.15.
CITES Import/Export/Eagle Transport for Indian Religious Purposes, 3–200–70.	250	1	250	50 CFR 22.22, 23.11, 23.12, 23.13, 23.15.

OMB Control Number: 1018–0022.

Service Form Numbers: 3–200–6 through 3–200–18, 3–200–67 through 3–200–70, 3–202–1 through 3–202–9, 3–186, 3–186A.

Description of Respondents: Individuals, zoological parks, museums, universities, scientists, taxidermists, businesses; State, local, Tribal and Federal governments.

Number of Respondents: 29,944.

Frequency of Collection: On Occasion.

Total Annual Burden hours: 22,234.

Total Annual Responses: 47,326.

Total Annual Non-hour Cost Burden: $245,775.

Dated: February 14, 2001.

Rebecca A. Mullin,

Service Information Collection Officer.

[FR Doc. 01–5656 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10 (a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–037806

Applicant: Bureau of Land Management, Bakersfield, California

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (Branchinecta longiantenna), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) throughout each species range in conjunction with surveys for the purpose of enhancing their survival. These activities were previously authorized under subpermit No. BLMBD–1.

Permit No. TE–837310

Applicant: Philip E. Persons, Lompoc, California.

The applicant requests a permit amendment to take (locate and monitor nests) the California least tern (*Sterna antillarum browni*) in conjunction with monitoring in San Luis Obispo and Santa Barbara Counties for the purpose of enhancing its survival.

Permit Nos. TE–038271; TE–038065; TE–038109; TE–038697; TE–038583

Applicants: Jennifer Simmons, Ventura, California; Shannon Allen, San Diego, California; Theodore Noble Lee, San Diego, California; Jennifer Anderson, Solana Beach, California; Cynthia Wood, Julian, California.

Theses applicants each request a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE–038716

Applicant: Frank Wegscheider, Orange, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) throughout each species' range in conjunction with surveys for the purpose of enhancing their survival.

Permit No. TE–797665

Applicant: Regional Environmental Consultants, San Diego, California.

The permittee requests an amendment to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (harass by survey) the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) in conjunction with surveys and population monitoring

throughout each species' range for the purpose of enhancing their survival.

Permit No. TE–038578

Applicant: Van Smith, Brea, California.

The applicant requests a permit to take (harass by survey and nest monitor) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (nest monitor) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout the state of California for the purpose of enhancing their survival.

Permit No. TE–807078

Applicant: William J. Sydeman, Point Reyes Bird Observatory, Stinson Beach, California.

The applicant requests a permit amendment to take (locate and monitor nests; capture and band) the California least tern (*Sterna antillarum browni*) in conjunction with monitoring in San Luis Obispo and Santa Barbara Counties for the purpose of enhancing its survival.

Permit No. TE–020548

Applicant: Western Ecological Science Center, Biological Resources Division of the U.S. Geological Survey, Vallejo, California.

The applicant requests an amendment to take (fur-clip) the salt marsh harvest mouse (*Reithrodontomys raviventris*) in conjunction with genetic research throughout the species' northern range in California for the purpose of enhancing its survival.

Permit No. TE–038717

Applicant: Pacificorp, Portland, Oregon.

The applicant requests a permit to take (capture, handle, and release) the shortnose sucker (*Chasmistes brevirostris*) and Lost River sucker (*Deltistes luxatus*) in conjunction with scientific research throughout the Klamath River and its major tributaries in Oregon and California for the purpose of enhancing their survival.

Permit No. TE–038718

Applicant: Robert C. Parker, Ramona, California.

The applicant requests a permit to take (harass) the California least tern (*Sterna antillarum browni*) in conjunction with predator control activities in San Diego County, California for the purpose of enhancing its survival.

Permit No. TE–038971

Applicant: Roger Thibault, Swansea, Massachusetts.

The applicant requests a permit to purchase, in interstate commerce, three female and three male captive bred Hawaiian (=nene) geese (*Nesochen* [=*Branta*] *sandvicensis*) for the purpose of enhancing the species propagation and survival. This notification covers activities conducted by the applicant over the next 5 years.

DATES: Written comments on these permit applications must be received on or before April 9, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: February 23, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01–5657 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 60 days directly to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192. As required by OMB regulations at CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collection as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;
2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The utility, quality, and clarity of the information to be collected; and,
4. How 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 forms of information technology.

Title: Ferrous Metals Surveys.

Current OMB approval number: 1028–0068.

Abstract: Respondents supply the U.S. Geological Survey with domestic production and consumption data on ferrous and related metals. This information will be published as monthly and annual reports for use by Government agencies, industry, and the general public.

Bureau form number: Various (17 forms).

Frequency: Monthly and Annual.

Description of respondents: Producers and Consumers of ferrous and related metals.

Annual Responses: 3,879.

Annual burden hours: 2,170.

Bureau clearance officer: John E. Cordyack, Jr., 703–648–7313.

Keith L. Harris,

Acting Chief Scientist, Minerals Information Team.

[FR Doc. 01–5660 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–YF–M

DEPARTMENT OF THE INTERIOR

Geological Survey

National Satellite Land Remote Sensing Data Archive Advisory Committee; Committee Meeting

AGENCY: U.S. Geological Survey.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, the National Satellite Land Remote Sensing Data Archive (NSLRSDA) Advisory Committee will meet at the

U.S. Geological Survey (USGS) Earth Resources Observation Systems (EROS) Data Center (EDC) near Sioux Falls, South Dakota. The Committee, comprised of 15 members from academia, industry, government, information science, natural science, social science, and policy/law, will provide the USGS, EDC management with advice and consultation on defining and accomplishing the NSLRSDA's archiving and access goals to carry out the requirements of the Land Remote Sensing Policy Act; on priorities of the NSLRSDA's tasks; and, on issues of archiving, data management, science, policy, and public-private partnerships.

Topics to be reviewed and discussed by the Committee include determining the content of and upgrading the basic data set as identified by the Congress; metada content and accessibility; product characteristics, availability, and delivery; and, archiving, data access, and distribution policies.

DATES: March 28, 2001 commencing at 8:30 a.m. and adjourning at 12 noon on March 30, 2001.

CONTACT: Mr. Thomas M. Holm, Chief, Data Services Branch, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota, 57198 at (605) 594–6142 or email at *holm@usgs.gov.*

SUPPLEMENTARY INFORMATION: Meetings of the National Satellite Land Remote Sensing Data Archive Advisory Committee are open to the public. The required lead time for notification of this meeting could not be met due to the fact that we were awaiting final Congressional approval of reestablishing the Committee. Previous Committee meeting minutes are available for public review at *http://edc.usgs.gov/programs/nslrsda/advcomm.html.*

Barbara Ryan,

Associate Director for Geography.

[FR Doc. 01–5659 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–070–01–1020–PG]

Resource Advisory Council Meeting; Butte, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Western Montana Resource Advisory Council will convene on March 27, 2001, from 9:00 a.m. to 4:00 p.m., at the BLM Butte Field Office, 106 North Parkmont, Butte, Montana, 59701.

The topics for the meeting will be: Recommendation on Tailpipe Travel Management Plan by the Subcommittee, Summary of Range Standards and Guidelines by the Subcommittee, Field Manager Update, and a Sage Grouse Presentation at 2:00 p.m.

The meeting is open to the public and written comments can be given to the Council. Oral comments may be presented to the Council at 11:30 a.m. The time allotted for oral comment may be limited, depending on the number of persons wishing to be heard. Individuals who plan to attend and need further information about the meeting, or who need special assistance, such as sign language or other reasonable accommodations, should contact Jean Nelson-Dean, Resource Advisory Coordinator, at the Butte Field Office, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702–3388, telephone 406–533–7617.

FOR FURTHER INFORMATION CONTACT: Richard Hotaling, Field Manager, 406–533–7600 or Jean Nelson-Dean at the above address and telephone number.

Dated: February 27, 2001.

Steve Hartmann,

Acting Field Manager.

[FR Doc. 01–5703 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–DN–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0043).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations.''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0043'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations.

OMB Control Number: 1010–0043.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and efficient exploration and development of a lease area.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet

statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart F, Oil and Gas Well-Workover Operations and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS District Supervisors use the information collected to analyze and evaluate planned well-workover operations to ensure that operations result in personnel safety and protection of the environment. They use this evaluation in making decisions to approve, disapprove, or to require modification to the proposed well-workover operations. For example, MMS uses the information to:

- Review log entries of crew meetings to verify that safety procedures have been properly reviewed.
- Review well-workover procedures relating to hydrogen sulfide (H_2S) to ensure the safety of the crew in the event of encountering H_2S.
- Review well-workover diagrams and procedures to ensure the safety of well-workover operations.
- Verify that the crown block safety device is operating and can be expected to function and avoid accidents.
- Verify that the proposed operation of the annular preventer is technically correct and will provide adequate protection for personnel, property, and natural resources.
- Verify the reasons for postponing blowout preventer (BOP) tests, verify the state of readiness of the equipment and to ascertain that the equipment meets safety standards and requirements, ensure that BOP tests have been conducted in the manner and frequency to promote personnel safety and protect natural resources. Specific testing information must be recorded to verify that the proper test procedures were followed.
- Assure that the well-workover operations are conducted on well casing that is structurally competent.

Responses are mandatory. No questions of a sensitive nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is primarily monthly or ''on occasion.''

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this information collection is a total of 7,920 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart F	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
602	Request exceptions prior to moving well- workover equipment	.25 hour.
605; 613; 615(a)	Request approval to begin subsea well-workover operations; submit forms MMS–124 and/or MMS–125.	Burden included in 1010–0045 and 1010–0046.
614	Post number of stands of drill pipe or workover string and drill collars that may be pulled prior to filling the hole and equivalent well-control fluid volume.	.25 hour.
616(a)	Request exception to rated working pressure of the BOP equipment; request exception to annular-type BOP testing.	1 hour.
617(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	4 hours.
617(c)	Notify MMS if sustained casing pressure is observed on a well	.25 hour.
600 thru 618	General departure and alternative compliance requests not specifically covered elsewhere in subpart F regulations.	2 hours.
	Recordkeeping Requirements	
606	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews × 2 weeks per workover = 4).	.5 hour.
611	Perform operational check of traveling-block safety device; document results (weekly × 2 weeks per workover = 2).	.25 hour.
616(a), (b), (d), (e)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of workover activities (when installed; at a minimum every 7 days × 2 weeks per workover = 2).	6 hours.
616(b)(2)	Test blind or blind-shear rams; document results (every 30 days during operations). (Note: this is part of BOP test when BOP test is conducted.)	.25 hour.
616(b)(2)	Record reason for postponing BOP system tests	.1 hour.
616(c)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per workover = 4).	.5 hour.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart F. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5674 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0106).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR Part 253, Oil Spill Financial Responsibility.''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0106'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 253, Oil Spill Financial Responsibility.

OMB Control Number: 1010–0106.

Abstract: Title I of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub.L. 104–324), provides at section 1016 that oil spill financial responsibility (OSFR) for offshore facilities be established and maintained according to methods determined acceptable to the President. Section 1016 of OPA supersedes the offshore facility OSFR provisions of the Outer Continental Shelf Lands Act Amendments of 1978. These authorities and responsibilities are among those delegated to MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. This information collection request addresses the regulations at 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS will use the information collected under 30 CFR part 253 to verify compliance with section 1016 of OPA. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from covered offshore facilities (COFs). Routinely, the information will be used: (a) to establish eligibility of applicants for an OSFR Certification; and (b) as a reference source for clean-up and damage claims associated with oil-spill discharges from COFs; the names, addresses, and telephone numbers of owners, operators, and guarantors; designated U.S. agents for service of process; and persons to contact. To collect most of the information, MMS developed standard forms. The forms and their purposes are:

Form MMS–1016, Designated Applicant Information: The designated applicant uses this form to provide identifying information (company legal name, address, contact name and title, telephone numbers) and to summarize the OSFR evidence. This form is required for each new OSFR Certification application.

Form MMS–1017, Designation of Applicant: When there is more than one

responsible party for a COF, they must select a designated applicant. Each responsible party, as defined in the regulations, must use this form to notify MMS of the designated applicant. This form is also used to designate the U.S. agent for service of process for the responsible party(ies) should claims from an oil-spill discharge exceed the amount evidenced by the designated applicant; identifies and provides pertinent information about the responsible party(ies); and lists the covered offshore facilities for which the designated applicant is responsible for OSFR certification. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; and block number. This form must be submitted with each new OSFRC application in which there is at least one responsible party who is not the designated applicant for a COF.

Form MMS–1018, Self-insurance or Indemnity Information: This form is used if the designated applicant is self-insuring or using an indemnity as OSFR evidence. As appropriate, either the designated applicant or the designated applicant's indemnitor completes the form to indicate the amount of OSFR coverage and effective and expiration dates. The form also provides pertinent information about the self-insurer or indemnitor and is used to designate a U.S. agent for service of process for claims up to the evidenced amount. This form must be submitted each time new evidence of OSFR is submitted using either self-insurance or an indemnity.

Form MMS–1019, Insurance Certificate: The designated applicant (representing himself as a direct purchaser of insurance) or his insurance agent or broker and the named insurers complete this form to provide OSFR evidence using insurance. The number of forms to be submitted will depend upon the amount of OSFR required and the number of layers of insurance to evidence the total amount of OSFR required. One form is required for each layer of insurance. The form provides pertinent information about the insurer(s) and designates a U.S. agent for service of process. This form must be submitted at the beginning of the term of the insurance coverage for the designated applicant's COFs.

Form MMS–1020, Surety Bond: Each bonding company that issues a surety bond for the designated applicant must complete this form indicating the amount of surety and effective dates. The form provides pertinent information about the bonding company and designates a U.S. agent for service of process for the amount evidenced by the surety bond. This form must be submitted at the beginning of the term of the surety bond for the named designated applicant.

Form MMS–1021, Covered Offshore Facilities: The designated applicant submits this form to identify the COFs to which the OSFR evidence applies. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; block number; and potential worst case oil-spill discharge. This form is required to be submitted with each new OSFR Certification application which includes COFs.

Form MMS–1022, Covered Offshore Facility Changes: During the term of the issued OSFR Certification, the designated applicant submits changes to the current COF listings on this form, including changes to the worst case oil-spill discharge for a COF. This form must be submitted when identified changes occur during the term of an OSFR Certification.

Responses are mandatory. No questions of a ''sensitive'' nature are asked. Respondents are not required to submit confidential or proprietary information. All public requests for information about an applicant's OSFR Certification will be processed according to the Freedom of Information Act (5 U.S.C. 552) procedures.

Frequency: The frequency of submission will vary, but most will respond at least once per year.

Estimated Number and Description of Respondents: Some respondents are approximately 600 holders of leases, permits, and rights of use and easement in the OCS and in State coastal waters who will appoint approximately 200 designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. There are no recordkeeping requirements associated with this collection.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this information collection is a total of 22,181 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 253	Reporting requirement	Hour burden per response
Subpart B: 11(a)(1)	Form MMS–1016	1
Subpart D: 40; 41	Designated Applicant Information	
Subpart B: 11(a)(1)	Form MMS–1017	9
Subpart D: 40; 41	Designation of Applicant	
Subpart C: 21; 22; 23; 24; 26; 27; 30	Form MMS–1018	1
Subpart D: 40; 41	Self-insurance or Indemnity Information	
Subpart C: 29	Form MMS–1019	120
Subpart D: 40; 41	Insurance Certificate	
Subpart C: 31	Form MMS–1020	24
Subpart D: 40; 41	Surety Bond	
Subpart D: 40; 41	Form MMS–1021	3
	Covered Offshore Facilities	
Subpart D: 40; 41; 42	Form MMS–1022	1
	Covered Offshore Facilities Changes	
Subpart B: 12	Request for determination of OSFR applicability.	2
Subpart B: 15(e)	Notice of change in ability to comply	1
Subpart B: 15(f)	Claims: MMS will not be involved in the claims process; assessment of the burden is the responsibility of the U.S. Coast Guard as part of its rulemaking on claims against the Oil Spill Liability Trust Fund (30 CFR parts 135, 136, 137).	
Subpart F		

Citation 30 CFR 253	Reporting requirement	Hour burden per response
Subpart C: 32	Proposal for alternative method to evidence OSFR	No proposals anticipated, but regs provide the opportunity.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR part 253. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5694 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0018).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER).''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0018'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the form MMS–127.

SUPPLEMENTARY INFORMATION:

Title: Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER).

OMB Control Number: 1010–0018.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; preserve and maintain free-enterprise competition; and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and

efficient exploration and development of a lease area.''

To carry out these responsibilities, MMS has issued regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases. Various sections of 30 CFR part 250, subpart K, require respondents to submit form MMS–127.

MMS Regional Supervisors use the information submitted on form MMS–127 to determine whether a rate-sensitive reservoir is being prudently developed. This represents an essential control mechanism that MMS uses to regulate production rates from each sensitive reservoir being actively produced. Occasionally, the information available on a reservoir early in its producing life may indicate it to be non-sensitive, while later and more complete information would establish the reservoir as being sensitive. Production from a well completed in the gas cap of a sensitive reservoir requires approval from the Regional Supervisor. The information submitted on form MMS–127 provides reservoir parameters that are revised at least annually or sooner if reservoir development results in a change in reservoir interpretation. The engineers and geologists use the information for rate control and reservoir studies.

Responses are mandatory. No questions of a ''sensitive'' nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency is ''on occasion,'' but not less than annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this form is 1 hour.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with form MMS–127.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of form MMS–127. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5695 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR 250, Subpart P, Sulphur Operations.''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0086'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and efficient exploration and development of a lease area.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart P, Sulphur Operations, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. For example, MMS uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Ensure that the drilling unit is fit for the intended purpose.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee will not encounter geological conditions that present a hazard to operations.
- Ensure the adequacy and safety of firefighting plans.
- Ensure the adequacy of casing for anticipated conditions.
- Review log entries of crew meetings to verify that crew members are properly trained.
- Review drilling, well-completion, and well-workover diagrams and procedures to ensure the safety of the proposed drilling, well-completion, and well-workover operations.
- Review production operation procedures to ensure the safety of the proposed production operations.
- Monitor environmental data during operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

Responses are mandatory. No questions of a ''sensitive'' nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is generally ''on occasion'' or annual.

Estimated Number and Description of Respondents: Approximately 1 Federal OCS sulphur lessee.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this information collection is a total of 978 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart P	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
1600	Submit exploration or development and production plan according to 30 CFR 250, subpart B.	Burden included in 1010–0049.
1603(a)	Request determination whether sulphur deposit can produce in paying quantities	1 hour.
1605(b)(3)	Submit data and information on fitness of drilling unit	4 hours.
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request.	It has not been necessary to request these data.
1605(d)	Submit results of additional surveys and soil borings upon request	It has not been necessary to request these data.
1605(e)(5)	Request copy of directional necessary survey (by holder of adjoining lease)	It has not been to request these data.
1605(f)	Submit application for installation of fixed drilling platforms or structures according to 30 CFR subpart I.	Burden included in 1010–0058.
1607	Request establishment, amendment, or cancellation of field rules for drilling, well-completion, or well-workover.	8 hours.
1608	Submit well casing and cementing plan or modification	5 hours.

Citation 30 CFR 250 Subpart P	Reporting or recordkeeping requirement	Hour burden per response/record
1610(d)(8); 1611(b), (f); 1615; 1617; 1618; 1619(b); 1622; 1625(b), (f);	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Sundry Notices and Reports on Wells), Form MMS–125 (Well Summary Report). Submissions include various exceptions and approvals required in subpart P.	Burden included in 1010–0044, 1010–0045, and 1010–0046.
1612	Request exception to § 250.408 requirements for well-control drills	1 hour.
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request	1 hour.
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4 hours.
1629(b)(3)	Request approval of firefighting systems	4 hours.
1630(a)(5)	Notify MMS of pre-production test and inspection of safety system and commencement of production.	½ hour.
1633(b)	Submit application for method of production measurement	2 hours.
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1 hour.
1600 thru 1634	General departure and alternative compliance requests not specifically covered elsewhere in subpart P regulations.	2 hours.
Recordkeeping Requirements		
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	¼ hour.
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log	2 hours.
1611(d)(3); 1625(c)(3)	Record in driller's report the date, time, and reason for postponing pressure testings.	10 minutes.
1611(f), (g); 1625(f), (g)	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6 hours.
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2 hours.
1616(c)	Retain training records for lessee and drilling contractor personnel according to 30 CFR 250, subpart O.	Burden included in 1010–0128.
1619(a)	Retain records for 2 years for each well and all well operations.	12 hours
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date/time.	1 hour.
1628(d)	Maintain information on approved design and installation features for the life of the facility.	1 hour.
1629(b)(1) (ii) and (iii)	Retain for 2 years pressure-recording charts used to determine operating pressure ranges; post firefighting system diagram.	12 hours.
1630(b)	Retain records for 2 years for each safety device installed	1 hour.
1631	Conduct safety device training prior to production operations and periodically thereafter; record date/time.	1 hour.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart P. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the

Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5696 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0058).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR 250, Subpart I, Platforms and Structures.''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0058'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart I, Platforms and Structures.

OMB Control Number: 1010–0058.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of human, marine, and coastal environments; ensure the public a fair and equitable return on offshore resources in the OCS; and preserve and maintain free enterprise competition. Specifically, the OCS Lands Act (43 U.S.C. 1356) requires the issuance of '' * * * regulations which require that any vessel, rig, platform, or other vehicle or structure— * * * (2) which is used for activities pursuant to this subchapter, comply, * * * with such minimum standards of design, construction, alteration, and repair as the Secretary * * * establishes; * * *.'' The OCS Lands Act (43 U.S.C. 1332(6)) also states, ''operations in the [O]uter Continental Shelf should be conducted in a safe manner * * * to prevent or minimize the likelihood of * * * physical obstruction to other users of the water or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart I, Platforms and Structures, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS OCS Regions use the information submitted under subpart I to determine the structural integrity of all offshore structures and ensure that such integrity will be maintained throughout the useful life of these structures. We use the information to ascertain, on a case-by-case basis, that the platforms and structures are structurally sound and safe for their intended use to ensure safety of personnel and pollution prevention. The information is also necessary to assure that abandonment and site clearance are properly performed. More specifically, we use the information to:

- Review information concerning damage to a platform to assess the adequacy of proposed repairs.
- Review plans for platform construction (construction is divided into three phases—design, fabrication, and installation) to ensure the structural integrity of the platform.
- Review verification plans and reports for unique platforms to ensure that all nonstandard situations are given proper consideration during the design, fabrication, and installation phases of platform construction.
- Review platform design, fabrication, and installation records to ensure that the platform is constructed according to approved plans.
- Review inspection reports to ensure that platform integrity is maintained for the life of the platform.
- Ensure that any object (wellheads, platforms, etc.) installed on the OCS is properly removed and the site cleared so as not to conflict with or harm other users of the OCS.

Responses are mandatory. No questions of a ''sensitive'' nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public) and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is generally ''on occasion'' or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for this information collection is a total of 31,893 hours. The following chart details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and

customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart I	Reporting or recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
900(b), (g); 901; 902; 909(b)(4)(iii)	Submit application and plans for new platform or major modifications and notice to MMS.	24 hours.
900(e)	Request approval for major repairs of damage to platform and notice to MMS.	12 hours.
900(f)	Request approval for reuse or conversion of use of existing fixed or mobile platforms.	18.5 hours.
903(a), (b)	Submit nominations for Certified Verification Agent (CVA)	5 hours.
903(a)(1), (2), (3)	Submit interim and final CVA reports	200 hours.
912(a)	Request inspection interval that exceeds 5 years	20 hours.
912(b)	Submit annual report of platforms inspected and summary of testing results.	45 hours.
913(a), (b) Related NTLs	Submit plan for platform and structure removal and site clearance and exception requests.	6 hours.
913(c) Related NTLs	Submit results of location clearance survey	12 hours.
900–914	General departure and alternative compliance requests not specifically covered elsewhere in subpart I regulations.	2 hours.
	Recordkeeping requirements	
909, 911, 912, 914	Maintain records on as-built structural drawings, design assumptions and analyses, summary of nondestructive examination records, inspection results, etc., for the functional life of the platform.	50 hours.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * * ''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart I. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 26, 2001.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5697 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of revision of a currently approved information collection (OMB Control Number 1010–0067).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations.''

DATES: Submit written comments by May 7, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0067'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

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 record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy at no cost of the regulations and Notices to Lessees and Operators (NTL) that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart E, Oil and Gas Well-Completion Operations

OMB Control Number: 1010–0067.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on resources offshore; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act (43 U.S.C. 1332) requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas and sulphur operations in the OCS. This collection of information addresses 30 CFR part 250, subpart E, Oil and Gas Well-Completion Operations.

Last year we submitted a routine ICR to the Office of Management and Budget (OMB) to renew the information collection requirements of the subpart E regulations. That approved information collection covered the paperwork burdens specifically required in § 250.517 (tubing and wellhead equipment and their requirements). This included the requirement under § 250.517(c) to notify the District Supervisor if sustained casing pressure (SCP) is observed on a well. This situation represents an ongoing safety hazard and can cause serious or immediate harm or damage to human life, the marine and coastal environment, and property.

After receiving notification, the Region directs the lessee/operator on the procedures and requirements necessary to monitor and report SCP conditions, and the process for obtaining a departure to produce wells with SCP. Because the Gulf of Mexico Region (GOMR) now has over 8,000 wells affected by SCP, the GOMR plans to issue an NTL detailing the policy and procedures on SCP. The NTL will include additional reporting and recordkeeping requirements, which we will include in our ICR to OMB on subpart E regulations.

The MMS District Supervisors analyze and evaluate the information and data collected under subpart E to ensure that planned well-completion operations will protect personnel safety and natural resources. They use the analysis and evaluation results in the decision to approve, disapprove, or require modification to the proposed well-completion operations. Specifically, MMS uses the information to ensure: (a) compliance with personnel safety training requirements; (b) crown block safety device is operating and can be expected to function to avoid accidents; (c) proposed operation of the annular preventer is technically correct and provides adequate protection for personnel, property, and natural resources; (d) well-completion operations are conducted on well casings that are structurally competent; and (e) sustained casing pressures are within acceptable limits. The MMS district and regional offices will use paperwork requirements in the new GOMR NTL to determine that production from wells with SCP continues to afford the greatest possible degree of safety under these conditions.

Responses are mandatory. No items of a sensitive nature are collected. Proprietary information respondents submit is protected according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency of reporting varies by section, but is mostly ''on occasion'' or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved burden for this information collection is 5,672 hours (505 reporting and 5,167 recordkeeping hours). The paperwork requirements of the GOMR NTL will increase this burden by 3,743 hours. The following chart details the individual components of the burden and estimated burden per response or record. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart E & NTL Sec.	Reporting & recordkeeping requirement	Hour burden per response/record
	Reporting Requirements	
502	Request approval not to shut-in well during equipment movement	1 hour.
502 (MMS condition of approval)	Notify MMS of well-completion rig movement on or off platform or from well to well on same platform.	6 minutes.
505; 513; 515(a); 516(g), (j); NTL I.C, III.B.	Submit forms MMS–123, MMS–124, MMS–125 for various approvals, including remediation procedure for SCP.	Burden covered under 1010–0044, 1010–0045, 1010-0046.
512	Request field well-completion rules be established and canceled (on occasion, however, there have been no requests in many years).	1 hour.
515(a)	Submit well-control procedure	1 hour.

Citation 30 CFR 250 Subpart E & NTL Sec.	Reporting & recordkeeping requirement	Hour burden per response/record
517(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	4 hours.
517(c); NTL I, III.B	Notify MMS if sustained casing pressure is observed on a well	¼ hour.
NTL I.A, I.E, I.G, I.H, II, III Appendix.	Submit results of diagnostic tests, departure requests and supporting information, including plan of action for non-producing wells.	2 hours.
NTL I.C	Notify MMS when remediation procedure is complete	1 hour.
NTL I.D	Appeal departure request denial	Burden covered under 30 CFR part 290, 1010–0121.
NTL Appendix	Request approval to lube and bleed remediation attempts	10 hours.
Recordkeeping Requirements		
506	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews x 2 weeks per completion = 4).	10 minutes.
511	Perform operational check of traveling-block safety device; document results (weekly × 2 weeks per completion = 2).	6 minutes.
516 tests; 516(i)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of well (when installed; minimum every 14 days; as stated for component).	6 hours.
516(d)(5) test; 516(i)	Function test annulars and rams; document results (every 7 days between BOP tests—biweekly; note: part of BOP test when conducted).	.16 hour.
516(e)	Record reason for postponing BOP system tests (on occasion)	6 minutes.
516(f)	Perform crew drills; record results (weekly for 2 crews × 2 weeks per completion = 4).	½ hour.
NTL I.F	Retain complete record of well's casing pressure and diagnostic tests for 2 years.	¼ hour.
NTL & Appendix	Perform diagnostic tests and record results; perform follow-up tests at least annually to determine departure status.	4 hours

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of 30 CFR 250, subpart E. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: March 2, 2001.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–5673 Filed 3–7–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–922 (Preliminary)]

Automotive Replacement Glass Windshields From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–922 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material

injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of automotive replacement glass windshields, provided for in subheading 7007.21.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by April 16. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 23.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on February 28, 2001, by PPG Industries, Pittsburgh, PA; Safelite Glass Corporation, Columbus, OH; and Apogee Enterprises, Inc., Minneapolis, MN.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 21, 2001, at the U.S. International Trade Commission Building (Courtroom B), 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Ruggles (202–205–3187) not later than March 19 to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 26, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Dated: March 2, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5745 Filed 3–7–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205–5]

Proposed Modifications to the Harmonized Tariff Schedule of the United States

AGENCY: United States International Trade Commission.

ACTION: Additional proposed amendments.

EFFECTIVE DATE: February 28, 2001.

SUMMARY: On November 18, 1999, the Commission instituted investigation No. 1205–5, Proposed Modifications to the Harmonized Tariff Schedule of the United States, pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988. Section 1205 directs the Commission to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and to recommend modifications to the HTS (1) when amendments to the International Convention on the Harmonized Commodity Description and Coding System (Harmonized System), and the Protocol thereto, are recommended by the World Customs Organization (WCO) (formerly known as the Customs Cooperation Council) for adoption, and (2) as other circumstances warrant. The Commission's final report

will set forth the proposed changes and indicate the necessary changes in the HTS that would be needed to conform the HTS to the international nomenclature structure; the report will also include other appropriate explanatory information on the proposed changes. A preliminary report was submitted to the Office of the United States Trade Representative in March 2000. Since that time, the Commission has been informed of additional proposed amendments to the HTS that should be included in the final report.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director (202–205–2592), Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission, Washington, DC 20436. Hearing impaired individuals are advised that information on this investigation can be obtained by contacting the TDD terminal on (202) 205–1810.

Background

The majority of the changes proposed in the Commission's preliminary report are the result of the work of the WCO and its Harmonized System Committee (HSC) to update and clarify the Harmonized System nomenclature, as part of the WCO's long-term program to review the nomenclature structure on a formal basis. These proposed changes, which are to become effective on January 1, 2002, are available in the Office of the Secretary, Room 112, United States International Trade Commission, 500 E Street SW., Washington, DC 20436 (telephone 202–205–2000) and are posted on the Commission's website (http://www.usitc.gov). These changes encompass all decisions taken by the HSC since the implementation of the last set of WCO modifications to the Harmonized System, which were effective as of January 1, 1996. Future notices will be issued in this investigation indicating the final resolution of all matters and decisions taken by the HSC during the course of Commission consideration.

Other proposed changes included in this investigation are requested by the U.S. Customs Service, in order to clarify the proper tariff classification and duty treatment of particular goods due to decisions of the Court of International Trade, the HSC, or the U.S. Customs Service. These changes, including those which are the subject of this notice, will be treated separately in the Commission's final report.

The Commission has prepared non-authoritative cross-reference tables in its preliminary report to provide guidance to potentially affected parties and to show the likely existing and future tariff classifications of the goods concerned. The Customs Service has domestic legal authority for tariff classification and may provide information, both during the course of the investigation and after the Commission's report is submitted, that indicates different or additional tariff classifications of some goods. Moreover, the WCO will eventually issue a cross-reference table under Article 16 of the Harmonized System Convention, indicating the agreed international classifications (existing and future) of the goods affected by the proposed changes. The latter table may be released later in the Commission's investigation, and differences between international and domestic classification of a few goods may be suggested (in some cases due to reservations filed by WCO member countries or to theoretical or asserted classifications for some goods). Thus, the classifications shown in the Commission's cross-reference tables may be subject to change in the final report.

Additional Proposed Amendments to the HTS

In addition to the changes to the HTS already proposed in the Commission's preliminary report and in the **Federal Register** notices of December 29, 2000 (65 FR 83032) and of February 16, 2001 (66 FR 10743), the following changes are proposed:

(1) The following new subheadings 4202.92.05 and 4202.92.10 are inserted in numerical sequence, along with their superior heading and with the level of indentation as indicated below:

	[Trunks, suitcases, vanity cases, attaché cases, . .]			
	[Other:]			
	[With outer surface of sheeting of . . .]			
	''Insulated food or beverage bags:			
4202.92.05	With outer surface of textile materials.	7%	Free (A,CA,E,IL,J,MX)	40%
4202.92.10	Other	3.4%	Free (A,CA,E,IL,J,MX)''	80%
	[Travel, sports and similar bags:]			

(2) Subheadings 4410.10.10 through 4409.10.90 are superseded by the following:

	[Wood (including strips and friezes . . .]			
	[Coniferous:]			
4409.10.05	Wood continuously shaped along any of its ends, whether or not also continuously shaped along any of its edges or faces, all the foregoing whether or not planed, sanded or edge-jointed.	3.2%	Free (A,CA,E,IL,J,MX)	33⅓%
	Other:			
4409.10.10	Wood siding	Free		2.2¢/m²
4409.10.20	Wood flooring	Free		33⅓%
	Wood moldings:			
	Standard wood molding:			
4409.10.40	Pine (Pinus spp.)	Free		5%
4409.10.45	Other	Free		5%
4409.10.50	Other	Free		40%
	Wood dowel rods:			
4409.10.60	Plain	Free		5%
4409.10.65	Sanded, grooved or otherwise advanced in condition.	4.9%	Free (A+,CA,D,E,IL,J,MX)	33⅓%
4409.10.90	Other	Free		$1.70/m³''

(3) Subheadings 4409.20.10 through 4409.20.90 are superseded by the following:

	[Wood (including strips and friezes . . .:]			
	[Nonconiferous:]			
''4409.20.05	Wood continuously shaped along any of its ends, whether or not also continuously shaped along any of its edges or faces, all the foregoing whether or not planed, sanded or edge-jointed.	3.2%	Free (A,CA,E,IL,J,MX)	33⅓%
	Other:			
4409.20.10	Wood siding	Free		4.3¢/m²
4409.20.25	Wood flooring	Free		8%
	Wood moldings:			
4409.20.40	Standard wood molding	Free		5%
4409.20.50	Other	Free		40%
	Wood dowel rods:			
4409.20.60	Plain	Free		5%
4409.20.65	Sanded, grooved, or otherwise advanced in condition.	4.9%	Free (A+,CA,D,E,IL,J,MX)	33⅓%
4409.20.90	Other	Free		$1.70/m³''

(4) The article description for subheading 9504.90.40 is superseded by the following:

''Game machines, other than those operated by coins, banknotes (paper currency), discs or other similar articles; parts and accessories thereof''

Written Submissions

Interested parties are invited to submit written statements concerning the proposed changes outlined above. Commercial or financial information that a submitter desires to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the proposed changes above should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 23, 2001. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or by electronic means.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet site (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

List of Subjects

Tariffs/HTS, Harmonized System, WCO, and imports.

Issued: March 5, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5747 Filed 3–7–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–870 (Final)]

Steel Wire Rope From Malaysia

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On February 28, 2001, the Department of Commerce published notice in the **Federal Register** of a negative final determination of sales at less than fair value in connection with the subject investigation (66 FR 12759). Accordingly, pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR § 207.40(a)), the antidumping investigation concerning steel wire rope from Malaysia (investigation No. 731–TA–870 (Final)) is terminated.

EFFECTIVE DATE: February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Jeff Clark (202–205–3195), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server *(http://www.usitc.gov)*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

Dated: March 5, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–5746 Filed 3–7–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *City of Arkansas City, Kansas, et al.* Civil Action No. 01–1056–JTM was lodged on February 22, 2001, with the United States District Court for the District of Kansas. With regard to the Defendants, City of Arkansas City, Kansas, City of Winfield, Kansas, General Electric Company, Greif Bros. Corporation, Gordon-Piatt Energy Group, Inc., Strother Field Commission

and Tenneco Automotive Inc., (''Settling Defendants''), the Consent Decree resolves a claim filed by the United States on behalf of the United States Environmental Protection Agency (''EPA'') pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601, *et seq.*

The United States entered into the Consent Decree in connection with the Strother Field Site located in Cowley County, Kansas. The Consent Decree provides that the Settling Defendants will be responsible for reimbursing the United States for past costs and implementing injunctive relief related to contaminated soil at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Settlement Order. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Arkansas City, Kansas, et al.*, DOJ Ref. #90–11–3–1277.

The proposed Consent Decree may be examined at either of the following locations: (1) The Office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas; or (2) Office of Regional Counsel, Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas. A copy of the consent decree can be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the consent decree (without attachments), please enclose a check in the amount of $17.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of attachments only, please enclose a check in the amount of $30.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

Chief, Environmental Enforcement Section.

[FR Doc. 01–5704 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree; J.L. Land Development

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *J.L. Land Development, Inc.,* Civil Action No. 8:00–cv–329–T–EAJ (M.D. Fla.), was lodged with the United States District Court for the Middle District of Florida on February 15, 2001. This proposed Consent Decree concerns a complaint filed by the United States against J.L. Land Development, Inc., pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1344 and imposes civil penalties against the Defendant for the unauthorized discharge of dredged or fill material into 7.26 acres of wetlands during peat mining activities and the construction of a golf course by the developer of Ridgewood Lakes, a residential development located in Davenport, Polk County, Florida.

The proposed Consent Decree requires: (1) The payment of civil penalties in the amount of $100,000; (2) the restoration of 2.59 acres of wetlands impacted by peat mining activities and (3) the performance of mitigation by restoring hydrology to 180.67 acres of forested wetlands that were previously artificially, though lawfully drained. At the same time, the defendant would receive a nationwide permit 32 allowing 0.5 acre of fill to remain in wetlands associated with golf course construction.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Marianne Zaccaro, United States Attorney's Office, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 and refer to *United States* v. *J.L. Land Development, Inc.*

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Florida, Sam M. Gibbons U.S. Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602.

Stephen Samuels,

Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 01–5705 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 221–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to establish and publish a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) have been published. This system of records is entitled:

The Job Swap/Job Exchange System (JOBX), JUSTICE/INS–030

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the new routine uses. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by (30 days from the publication date of this notice). The public, OMB, and the Congress are invited to submit any comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: February 21, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/INS–030

SYSTEM NAME:

Job Swap/Job Exchange System (JOBX).

SYSTEM LOCATION:

Immigration and Naturalization Service (INS) Headquarters, Regional and District Offices, and sub-offices as detailed in JUSTICE/INS–999, last published April 13, 1999 (64 FR 18052).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system would include all permanent INS employees interested in applying to transfer to an identical position at another location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records contain personal data including social security number, name, Service Computation Date-leave, performance appraisal rating and date, home and work addresses, home and work telephone numbers, title, series, and grade, and personal resume information voluntarily submitted by the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 335.102(a).

PURPOSE(S):

The records in this system are part of a Merit Promotion and Reassignment Program and consist of potential

selectees for positions covered by the program. Records are maintained to allow selecting officials to make valid selections, as well as to provide a record of applicant requests for consideration. Also, records in the system are maintained as a means to track the transfers allowed in the JOBX program. The JOBX program supports the Job Swap program by facilitating the non-competitive swap of employees between two duty stations, provided they have the same title, series, and grade. The Job Swap Program allows employees of encumbered positions to apply for and receive changes in geological locations without waiting for vacancies to occur or new positions to be established.

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

A. To the Office of Personnel Management to enable the agency to make determination as required by 5 CFR 335.103.

B. In a proceeding before a court or adjudicative body before which INS or the Department of Justice (DOJ) is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by INS or DOJ to be arguably relevant to the litigation: (1) The DOJ, or any DOJ component or subdivision thereof; (2) any DOJ employee in his or her official capacity; (3) any DOJ employee in his or her individual capacity when the DOJ has agreed to represent the employee; and (4) the United States where INS or the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

C. To the Merit Systems Protection Board or the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as prescribed in 5 U.S.C. Chapter 12, or as may be authorized by law.

D. To the Equal Employment Opportunity Commission, when requested, in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines or Employee Selection Procedures, or other functions vested in the Commission.

E. To a Member of Congress, or staff acting upon the Member's behalf, when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

F. To General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

G. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

H. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

I. To disclose information to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation.

J. To the Union when required by contract as part of the processing of a grievance and/or to an arbitrator in the arbitration of a grievance.

K. Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

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

Information is stored on computer tapes, magnetic disks, and in file cabinets.

RETRIEVABILITY:

Records may be retrieved by name, Social Security Number (SSN), or unique JOBX number.

SAFEGUARDS:

Most INS offices are located in buildings under security guard, and access to premises is by official identification. Offices are locked during non-duty hours. Access to this system is obtained through remote terminals that require the use of restricted passwords and a user ID. Paper records will be maintained in locked file cabinets. The JOBX server will be maintained in a secure computer facility.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedule 1, items 4, 15, 23(a), and 33b.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Hiring Center, Room 400, Whipple Federal Building, One Federal Drive, Fort Snelling, MN 55111.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager.

RECORD ACCESS PROCEDURE:

Requests for access to a record from this system shall be in writing (e.g., cc: Mail can also be used internally). If a request for access is made by mail the envelope and letter shall be clearly marked ''Privacy Act Request.'' The requester shall also provide a return address for transmitting the records to be released. The requester shall include his or her full name and SSN. An applicant can access his or her own record by logging onto the system using his or her own SSN and password. This brings the applicant to the main menu screen. The applicant can select, ''View Application.'' The form is printable. The applicant can also move among the screens. Authorized selecting officials and coordinators can access records within their own budget location code; and system administrators can access all records in the system.

CONTESTING RECORDS PROCEDURE:

Direct all requests to contest or amend information to the system manager noted above. State clearly and concisely the information being contested, the reason for or contesting it, and the proposed amendment thereof. Depending on the information, the coordinator or administrator will be able to make the correction. If the inaccurate information is from the National Finance Center records, the applicant should contact his or her servicing administrative center and report the erroneous information. Clearly mark the envelope ''Privacy Act Amendment Request.'' The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Information contained in this system or records is obtained from the individuals covered by the system, or

derived from information the individual supplied and from the National Finance Center database.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01–5706 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Auto Body Consortium, Inc.: Intelligent Resistance Welding Joint Venture

Notice is hereby given that, on January 16, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Auto Body Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Medar, Inc., Farmington Hills, MI became a 100% owned subsidiary of Welding Technology Group. In addition, ComauPICO, Southfield, MI; and Oxford Automotive (formerly Lobdell-Emery Company), Troy, MI have been added as parties to this venture. Also, Progressive Tool and Industries Co., Southfield, MI has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Auto Body Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On September 18, 1995, Auto Body Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 6, 1995 (60 FR 62476).

The last notification was filed with the Department on April 28, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 1, 1999 (64 FR 53415).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5718 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biztech for Energy (''BizTech'')

Notice is hereby given that, on December 22, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), BizTech for Energy (''BizTech'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Crawley Petroleum Corporation, Oklahoma City, OK; Schlumberger Geoquest, Austin, TX; Oil India Limited, Duliajan, Assam, INDIA; Phillips Petroleum Co., Bellaire, TX; Quillion Inc., Houston, TX; Tobin International Ltd., Houston, TX; enertia-software.com, Midland, TX; NetworkOil, Inc., Houston, TX; Landmark Graphics Corporation, Houston, TX; Microsoft, Houston, TX; PricewaterhouseCoopers, LLP, Houston, TX; Oracle Corporation, Houston, TX; Chevron Information Technology Co., Houston, TX; SAP America, Inc., Houston, TX; Environmental Systems Research Institute, Redlands, CA: TietoEnator, Sandnes, NORWAY; Merrick Systems, Inc., Houston, TX; INT, Houston, TX; POSC, Houston, TX; Novistar, Inc., Englewood, CO; and Seismic Micro-Technology, Houston, TX. The nature and objectives of the venture are to develop and publish standards to facilitate communication and operations within a corporation engaged in the energy business and standards to facilitate communications among such corporations and their external vendors. The development of such standards will increase the efficiency of corporations in the energy business. In addition, it will allow corporations to have access to and utilize publicly available data in developing strategic plans and other goals for future research and operations.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5707 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Broadband Content Delivery Forum, Inc.

Notice is hereby given that, on July 25, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Broadband Content Delivery Forum, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identifies of the parties are 24/7 Media, Incorporated, New York, NY; 2Wire, San Jose, CA; 3NO Systems Incorporated, Tinton Falls, NJ; Akamai Technologies Incorporated, Cambridge, MA; AppsPoint Corporation, Sunnyvale, CA; AT&T Broadband LLC, Englewood, CA; BANDWIZ LTD., Tel Aviv, ISRAEL; Be Here Corporation, Cupertino, CA; Bertelsmann Broadband Group, Hamburg, GERMANY; British Broadcasting Corporation (BBC), London, England, UNITED KINGDOM; Broadband Digital Group, Incorporated, Newport Beach, CA; BroadJump Incorporated, Austin, TX; BT, London, England, UNITED KINGDOM; Brust, San Francisco, CA; Cidera, Laurel, MD; COLO.COM, Brisbane, CA; Context Media, Incorporated, Providence, RI; Digital Fountain Incorporated, San Francisco, CA; DSLnetworks.com, San Francisco, CA; Ellacoya Networks Incorporated, Merrimack, NH; Entera, Fremont, CA; FirstMark Communications International, London, England, UNITED KINGDOM; Funk Software, Cambridge, MA; Global Telesystems Group (GTS), London, England, UNITED KINGDOM; Gotham Broadband, New York, NY; Harris Corporation, Melbourne, FL; Hewlett-Packard Company, Cupertino, CA; Huawei Technologies Company Ltd., Shenzhen City, PEOPLE's REPUBLIC OF CHINA; Hughes Space & Communications, Los Angeles, CA; ICTV, Incorporated, Los Gatos, CA: iknowledge Incorporated, Lexington, MA: Image Power, Vancouver, British Columbia, CANADA; iMagic TV Incorporated, Saint John, New Brunswick, CANADA; Incanta Incorporated, Atlanta, GA; InfoLibria

Incorporated, Waltham, MA; InfoSpace, Redmond, WA; Inktomi Corporation, Foster City, CA; Innovatia, Saint John, New Brunswick, CANADA; Interactive Enterprise, Dublin, IRELAND; Info Networks, Cambridge, MA; Lucent Technologies, Alpharetta, GA; Massive Media Group, Santa Monica, CA; Mirror Image Internet, Woburn, MA; Motorola, Mansfield, MA; MTVi Group, New York, NY; Net Continuum, Santa Clara, CA; NetActive Incorporated, Ottawa, Ontario, CANADA; Network Equipment Technologies, Fremont, CA; New Paradigm Ventures, Palo Alto, CA; Nokia Networks, Petaluma, CA; Nomadix, Westlake Village, CA; Nortel Networks, Santa Clara, CA; Northpoint Communications, San Francisco, CA; Omneon Video Networks, Sunnyvale, CA; OneSecure, Santa Clara, CA; Path 1 Network Technologies, Inc., San Diego, CA; Peak XV Networks, Pleasanton, CA; PixStream Incorporated, Waterloo, Ontario, CANADA; Pulsent Corporation, Milpitas, CA; Redback Networks Incorporated, Sunnyvale, CA; Reliacast Incorporated, Herndon, VA; Riverstone Networks, Reading, Berkshire, UNITED KINGDOM; Seabridge, Hod Hasharon, ISRAEL; SkyStream Networks, Mountain View, CA; Spacedisk Inc., Londonderry, NH; Speedera Networks, Santa Clara, CA; Sprint Corporation, Westwood, KS; StarGuide Digital Networks Incorporated, Reno, NV; Sun Microsystems Incorporated, Palo Alto, CA; Svenska Bredbandsbolaget AB, Stockholm, SWEDEN; Syndeo Corporation, Cupertino, CA; TelePacific Communications, Los Angeles, CA; Telseon, Palo Alto, CA; Texas Instruments, Dallas, TX; TRW Ventures, Redondo Beach, CA; Visual Media LLC, Chicago, IL; Williams Communications Group, Tulsa, OK; World Com, Colorado Springs, CO; XOSoft, Givataim, ISRAEL; Zhone Technologies, Oakland, CA; Zyan Communications Incorporated, Los Angeles, CA; and Broadband Content Delivery Forum, Inc., Mountain View, CA. The nature and objectives of the venture are to be an open, nonprofit independent organization that promotes the growth and development of the broadband content delivery industry; to bring together parties who are contributing to broadband content delivery; to discuss, to promote, and to develop the applications and services market for broadband content delivery; to explore methods for creating commercial benefits for service/content providers and network operators while increasing value to the end-user; to address issues relating to the development of broadband content delivery, including, without limitation, the protection of intellectual property rights, security, privacy, personalization, and economics; to recommend and to develop open architectures to deliver rich, multimedia content over the emerging broadband networks, to improve end-user experience through improved performance and personalization; and to be a liaison with other industry forums and associations in related industries and related technologies.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5708 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Die Products Consortium (''DPC'')

Notice is hereby given that, on February 7, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Die Products Consortium (''DPC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Packard-Hughes Interconnect, Irvine, CA; Analog Devices, Inc., Limerick, IRELAND; and Dynalog Systems, Inc., Austin, TX have been added as parties to this venture. Also, Microelectronics and Computer Technology Corporation, Austin, TX, has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Die Products Consortium intends to file additional written notification disclosing all changes in membership.

On November 15, 1999, Die Products consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on September 22, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 26, 2000 (65 FR 64236).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5711 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—an Innovative Knowledge System for Rapid Expansion of Net Shape Manufacturing Industry Via Powder Metal Injection Molding

Notice is hereby given that, on June 21, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Honeywell International, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the propose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Honeywell International, Inc., Morristown, NJ; Ingersoll-Rand, Inc., Huntersville, NC; Polymer Technologies, Inc., Clifton, NJ; CM Furnaces, Inc., Bloomfield, NJ; CompAS Controls, Inc., Indiana, PA; and Pennsylvania State University, University Park, PA. The purpose of this joint venture is to conduct research to create a materials and manufacturing technology base and a knowledge management system to produce thick, complex, high-quality metal products by low-cost powder metal injection molding.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5710 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interoperability Consortium, Inc.

Notice is hereby given that, on November 30, 2000, pursuant to section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interoperability Consortium, Inc. (the ''Corporation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Visa International, Foster City, CA has left the Corporation.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interoperability Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On January 13, 2000, Interoperability Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 21, 2000 (65 FR 38596).

The last notification was filed with the Department on July 20, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55284).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5720 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—J Consortium, Inc.

Notice is hereby given that, on January 19, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), J Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Byzance Informatique, Grigny, FRANCE; Mercury Computer Systems, Chelmsford, MA; Object Management Group (OMG), Needham, MA; Syam Ch, Los Angeles, CA; Ken Dixon, Carlsbad, CA; Tom Haley, Tiverton, RI; The Queen's University of Belfast, Belfast, IRELAND, Rita Heinrich, Dresden, GERMANY; William Hopkins, Huldenberg, BELGIUM; Lar Kaufman, Concord, MA; Nilendu Pal, Koramangala, Bangalore, INDIA; Gerhard Pratl, Vienna, AUSTRIA; C. Nagraj Rao, Fremont, CA; K. Raut, Maharashtra, INDIA; Gunukula Srikanth Reddy, Malgonda, INDIA; Bhavin Shah, Guajaret, INDIA; Automobile Electronics, Chengdu Saichuan, PEOPLE'S REPUBLIC OF CHINA; Freightmax House, Durban, SOUTH AFRICA; The Open Group (TOG), Menlo Park, CA; Cesar Mataix, Madrid, SPAIN, Shinkyu Park, Palisade Park, NJ; and Tony Xiao, Chengdu Saichuan, PEOPLE'S REPUBLIC OF CHINA have been added as parties to this venture. Also, the filing published November 20, 2000 is hereby amended to reflect the following correction to one member listed in that filing: Pacific Numerics is corrected to be Grace Pacific Numerics, San Diego, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and J Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On August 9, 1999, J Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15175).

The last notification was filed with the Department on October 20, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 20, 2000 (65 FR 69789).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5709 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Management Service Providers Association, Inc.

Notice is hereby given that, on February 5, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. section 4301 *et seq.* (''the Act''), Management Service Providers Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aprisma Management Technologies, Durham, NH; Atesto Technologies, Inc., Fremont, CA; Automatos, Inc., Boston, MA; Bangalore Labs Ltd., Bangalore, INDIA; Chapter 2, San Francisco, CA; Compaq Computer Corporation, Houston, TX; Euclid, Inc., Santa Clara, CA; Fujitsu Limited, Tokyo, JAPAN; NEXL, Inc., Peabody, MA; Objective Systems Integrators, Folsom, CA; Qualys, Inc., Sunnyvale, CA; S Net Systems, Inc., Seoul, REPUBLIC OF KOREA; TEKsystems Internet Business Services, Beaverton, OR; Trend Micro, Cupertino, CA; Arula Systems, Cupertino, CA; AVCOM, Sunnyvale, CA; Center 7, Lindon, UT; Check Point Software Technologies Ltd., Redwood City, CA; dbaDIRECT, Inc., Florence, KY; developNET Corporation, Portland, OR; Interloci, Inc., Leesburg, VA; Iworld Holdings Limited, Seoul, REPUBLIC OF KOREA; Keynote Systems, Inc., San Mateo, CA; Managed Objects, McLean, VA; Marimba, Mountain View, CA; NOCpulse, Inc., Sunnyvale, CA; Nuvo Network Management, Inc., Ottawa, Ontario, CANADA; Oblicore, Inc., Ramat Gan, ISRAEL; OMRON ALPHATEC Corporation, Tokyo, JAPAN; Opticom, Inc., Andover, MA; PatchLink.com Corporation, Scottsdale, AZ; Raymond James & Associates, Inc., St. Petersburg, FL; RiverSoft, San Francisco, CA and Servail, Fairfax, VA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Management Service Providers Association, Inc. intends to file additional written notification disclosing all changes in membership.

On October 20, 2000, Management Service Providers Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act of November 24, 2000 (65 FR 70613).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5714 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Software Corporation (''POSC'')

Notice is hereby given that, on February 23, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petrotechnical Open Software Corporation (''POSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Jason Geosystems BV, Rotterdam, THE NETHERLANDS has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petrotechnical Open Software Corporation (''POSC'') intends to file additional written notification disclosing all changes in membership.

On January 14, 1991, Petrotechnical Open Software Corporation (''POSC'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 7, 1991 (56 FR 5021).

The last notification was filed with the Department on October 25, 199. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 12, 2000, (65 FR 30612).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5721 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association (''PCA'')

Notice is hereby given that, on February 13, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Portland Cement Association has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Allentown Cement Company, Allentown, PA was absorbed by Lehigh Portland Cement Company, Blandon, PA; Magotteaux-Slegten has changed its name to Magotteaux, Inc., Brentwood, TN; and Fuller Company has changed its name to F.L. Smidth Inc., Bethlehem, PA. Also, Air Products and Chemicals, Inc., Allentown, PA; and Trinity Consultants, Inc., Olathe, KS have been added as parties to this venture. And Herzog Automation, Cleveland, OH has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Portland Cement Association intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, Portland Cement Association filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on June 27, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 11, 2000 (65 FR 49266).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5712 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on November 22, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are A&T Engineering Technology Center, Mystic, CT; Acqiris, Geneva, SWITZERLAND; Advanced Power Designs, Irvine, CA; Advanced Text Methods, Camberley, Surrey, UNITED KINGDOM; Alphi Technology, Tempe, AZ; Analogic Data Conversion Products, Wakefield, MA; ARVOO Engineering, Woerden, THE NETHERLANDS, ASCOR, Fremont, CA; ATEME, Velizy, FRANCE; B&B Technologies, Albuquerque, NM; Ballard Technology, Inc., Everett, WA; BittWare Research Systems, Concord, NH; Bloomy Controls, Windsor, CT; Bode Enterprises, San Diego, CA; Boulder Instruments, Longmont, CO; BRIME, Courtaboeuf Cedex, FRANCE, C&H Technologies, Austin, TX; CHROMA ATE Inc., Wu-Ku, Taipei Hsien, TAIWAN; ComputerBoards, Middleboro, MA; CORTEST, Willoughby, OH; Data Patterns, Chennai, INDIA; Datappli, Midland, MI; Datum, San Jose, CA; Dolch Computer Systems, Fremont, CA; ERNI Components, Chester, VA; GenRad, Westford, MA; Gespac Corporation, Geneva, SWITZERLAND; Goepel Electronic, Jena, GERMANY, GTE–ERS, Ontario, CA; Innovative Integration, Westlake Village, CA; Kinetic Systems, Lockport, IL; LeCroy, Chestnut Ridge, NY; MAC Panel, High Point, NC; Marconi Integrated Systems, San Diego, CA; MarekMicro GmbH, Sulzbach-Rosenberg, GERMANY; MEN Mikro Elektronik, Nuremberg, GERMANY; National Instruments, Austin, TX; Pickering Interfaces, Grants Pass, OR; PX Instrument Technology, Bray, County Wicklow, IRELAND; Quantum Controls, Plymouth, MI; Racal Instruments, Irvine, CA; Rohde & Schwarz GmbH & Co KG, Munchen, GERMANY; SBS GreenSpring Computers, Menlo Park, CA; Pentair Electronic Packaging, Warwick, RI; Shaanxi Hitech, Xi'an, PEOPLE'S REPUBLIC OF CHINA; Kaparel Corporation, Waterloo, Ontario, CANADA; SRC Corporation, Tokyo, JAPAN; Tracewell Systems, Westerville, OH; TTI Testron, Orlando, FL; Vero/APW Electronics, Southhampton, Hampshire, UNITED KINGDOM; Virginia Panel Corp., Waynesboro, VA; Znyx, Fremont, CA; United Electronic Industries, Inc., Watertown, MA; Modular Integration Technologies, Boonton, NJ; Alfautomazione S.r.l., Lissone, ITALY; and PLD Applications, Gardanne, FRANCE.

The nature and objectives of the venture are to promote the PXI specification as an extension to the CompactPCI industrial computer specification where the PXI specification defines extensions for instrumentation; to sponsor, actively participate in, and support the creation and maintenance of one or more card based specifications for instruments, measurement and automation systems, and/or protocols to enable manufacturers of various devices to achieve interoperability of such devices; to promote the adoption and use of specifications and protocols for card based instrumentation through the development of proof of concept/feasibility demonstrations, pilot/prototype projects, and a free and open exchange of technologies among the Members; and to undertake such other activities as may from time to time be appropriate to further the purposes and achieve the goals set forth above.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5715 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Research Corporation

Notice is hereby given that, on January 26, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Semiconductor Research Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Conexant Systems, Newport Beach, CA; United Microelectronics Corporation Group of Taiwan, Hsin-Chu City, TAIWAN; Integrated Systems Engineering, Inc., San Jose, CA; Genus, Inc., Sunnyvale, CA; Torrex Equipment Corporation, Livermore, CA; and Ziptronix, Inc., Research Triangle, NC have been added as parties to the venture. In addition, Etec Systems, Inc., Hayward, CA; Harris Corporation, Melbourne, FL; Microbar Incorporated, Sunnyvale, CA; Northrop Grumman, Los Angeles, CA; Omniview, Inc., Pittsburgh, PA; Suss Advanced Lithography, Inc., Burlington, VT; and Verity Instruments, Inc., Carrollton, TX have been dropped as parties to the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Semiconductor Research Corporation intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, Semiconductor Research Corporation filed its original notification pursuant to section 6(a) of the Act. The Departent of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 30, 1985 (50 FR 4281).

The last notification was filed with the Department on August 4, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 14, 1999 (64 FR 69800).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5717 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute (SWRI): Clean Diesel III

Notice is hereby given that, on June 12, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. section 4301 *et seq.* (''the Act''), Southwest Research Institute: Clean Diesel III has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Detroit Diesel Corporation, Detroit, MI; and Jacobs Vehicle System, Inc., Bloomfield, CT have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Southwest Research Institute: Clean Diesel III intends to file additional written notification disclosing all changes in membership.

On January 12, 2000, Southwest Research Institute: Clean Diesel III filed its original notification pursuant to Section 6(a) of the Act. This notice was published by the Department of Justice in the **Federal Register** pursuant to section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on April 26, 2000. This notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 29, 2000 (65 FR 40132).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5713 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Spray Drift Task Force

Notice is hereby given that, on May 11, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Spray Drift Task Force has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission updating its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

As of May 5, 2000, the Spray Drift Task Force's membership consists of the following 39 companies: AH Marks and Company Limited, Yorkshire, UNITED KINGDOM; Agro Distribution, Sioux City, IA; Agro-Gor Company, Kansas City, MO; Albaugh, Inc., Ankeny, IA; American Cyanamid Company, Princeton, NJ; Amvac Chemical Corporation, Los Angeles, CA; Aventis CropScience, Research Triangle Park, NC; BASF Corporation, Research Triangle Park, NC; Bayer Corporation, Kansas City, MO; Cheminova, Inc., Wayne, NJ; Dow AgroSciences, Indianapolis, IN; Drexel Chemical Company, Memphis, TN; E. I. duPont de Nemours and Company, Wilmington, DE; Elf Atochem North America, Philadelphia, PA; FMC Corporation, Philadelphia, PA; Gharda USA, Inc., Brookfield, CT; Griffin, L.L.C., Hot Springs Village, AR; Helena Chemical Company, Princeton, CA; Industria Prodotti Chmimici SpA (I.Pi.Ci.), Milanese, ITALY, ISK Biosciences

Corporation, Mentor, OH; Luxemborg Industries (PAMOL), Ltd., Memphis, TN; Makhteshim-Agan of North America, Inc., New York, NY; McLaughlin Gormley King Company, Minneapolis, MN: Merck & Co., Rahway, NJ; Micro-Flo Company, Memphis, TN; Monsanto, St. Louis, MO; NihonNohyaku America Inc., Hockessin, DE; Novartis Crop Protection, Inc., Greensboro, NC; Nufarm Platte Pty. Ltd., Greeley, CO; Rohm and Haas Company, Philadelphia, PA; Sipcam Agro USA, Inc., Roswell, GA; Tomen Agro, Inc., San Francisco, CA; Tri Corporation, Houston, TX; UCB Chemical Corporation, Smyrna, GA; Uniroyal Chemical Co. Inc., Middlebury, CT; United Phosphorus, Inc., Exton, PA; Valent U.S.A. Corporation, Walnut Creek, CA; Wilbur-Ellis Company, Fresno, CA; and Zeneca Ag Products Inc., Wilmington, DE.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Spray Drift Task Force intends to file additional written notification disclosing all changes in membership.

On May 15, 1990, Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 5, 1990 (55 FR 27701).

The last notification was filed with the Department on November 16, 1995. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 8, 1996 (61 FR 15522).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5716 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Teaming Agreement for Implementation of the Advanced Gun Systems Program

Notice is hereby given that, on April 17, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), United Defense, L.P. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identifies of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are United Defense, L.P., Arlington, VA; and General Dynamics Armament Systems, Inc., Burlington, VT which are controlled by UDLP Holding Corporation, Washington, DC; and United Defense Industries, Inc., Washington, DC respectively. The nature of the venture is the development of the Advanced Gun Systems (''AGS'') Program. The U.S. Navy currently is developing its next generation class of destroyers, the DD–21. The overall requirement for the DD–21 is to provide the equivalent of land-based artillery gunfire until Marine and Army maneuver forces are established ashore, then assist those forces in fire support. The primary armament for the DD–21 is the AGS which is currently in the concept development and trade studies stage.

The objective of the parties is to form an exclusive team for all phases and stages of the AGS Program, including further system development and production.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–5719 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Generic clearance of customer service surveys.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on December 18, 2000 at 65 FR 79123, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 9, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items 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, 725—17th Street, NW., Room 10235, Washington, DC 20530; Attention: Lauren Wittenberg, Department of Justice Desk Officer; 202–395–4318.

Written comments and 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 functions 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 Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Generic Clearance of Customer Service Surveys.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No agency form number (File No. OMB–9), Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information will be used to assess individual and agency needs, identify problems, and plan for programmatic improvements in the delivery of immigration services.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: 150,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 75,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: March 2, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–5633 Filed 3–7–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 28, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), on or before April 9, 2001.

The OMB is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: Attestations by Facilities Temporarily Employing H–1C Nonimmigrant Aliens as Registered Nurses.

OMB Number: 1205–0415.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Frequency: On Occasion.

Number of Respondents: 14.

Number of Annual Responses: 172.

Estimated Time Per Response: Varies from an estimated 15 minutes to provide a notification of registered nurses to 1.25 hours to submit a notice of strike/lockout or layoff (the time required to complete the ETA Form 9081 is estimated at 1 hour).

Total Burden Hours: 68.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $57.

Description: The ETA Form 9081 and the recordkeeping requirements required by 20 CFR Part 655, Subparts L and M are necessary for employers seeking to hire H–1C nonimmigrant nurses for certain facilities located in areas with severe health professional shortages. These reporting and recordkeeping requirements allow employers and the Department to comply with the requirements of the Nursing Relief for Disadvantaged Areas Act of 1999.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–5743 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the Work Opportunity Tax Credit (WOTC) Program and the Welfare-to-Work (WtW) Tax Credit's reporting and administrative forms.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before May 7, 2001.

ADDRESSES: Gay M. Gilbert, Division Chief, U.S. Employment Service/ALMIS, Office of Workforce Security, Room C–4514, Washington, DC 20210, (202) 693–3428 (this is not a toll-free number) and, Internet address: ggilbert@doleta.gov and/or fax number: 202/693–2874.

SUPPLEMENTARY INFORMATION:

I. Data collected on the WOTC and the WtW Tax Credits will be collected by the State Employment Security and/or Workforce Development Agencies and provided to the U.S. Employment Service/ALMIS Division, Unit of Operations, Office of Career Transition and Assistance, Office of Workforce Security, Washington, DC, through the appropriate Department of Labor regional offices. The data will be used, primarily, to supplement IRS Form 8850, help expedite the processing of, either, employer requests for Certifications generated through IRS Form 8850 or issuance of Conditional

Certifications (CCs) and processing of employer requests for Certifications as a result of individuals' bearing SESAs or participating agencies' generated CCs, help streamline SESAs verification mandated activities, aid and expedite the preparation of the quarterly reports, and provide a significant source of information for the Secretary's Annual Report to Congress on the WOTC program. The data recorded through the use of these forms will also help in the preparation of an annual report to the Committee House Ways and Means of the U.S. House of Representatives.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:*

- The Work Opportunity and Welfare-to-Work Tax Credits' reporting and administrative forms expire June 30, 2001. P.L. 106–170 reauthorized these two tax credits through December 31, 2001. Because the Congress reauthorizes these tax credits continuously for periods that range between one and three years, we are requesting a 2-year expiration date from approval date to continue the existing collection of information.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Work Opportunity Tax Credit (WOTC) and Welfare-to-Work Tax (WtW) Credit.

OMB Number: 1205–0371.

Agency Number: ETA Forms 9057–59; 9061–63 and 9065.

Affected Public: State, Local or Tribal Government.

State Burden:

Cite/reference	Total respondents	Frequency	Total [1] responses	Average Time/ response (hours)	Burden
Form 9057	52	Quarterly	208	8	1664
Form 9058	52	Quarterly	208	8	1664
Form 9059	52	Quarterly	208	8	1664
Form 9062	52	Quarterly	40	8	320
Form 9063	52	Quarterly	1000	1	1000
Form 9065	52	Quarterly	208	8	1664
Recordkeeping	52	Annually	52	997	51844
Total			1924		59820

[1] Nos. of ''Total Responses'' and ''Average Time/Response'' are only estimates and were obtained by calling several States and asking for the best possible estimates.

Cite/reference	Frequency	Total received	Average time response (hours)	Total hours
Form 9061	5 days	200	8 hours	1,600

Total Burden Hours: 61420.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request. They will also become a matter of public record.

Dated: February 28, 2001.

Gay M. Gilbert,

Signing Official, U.S. Employment Service/ALMIS, Division Chief, Office of Workforce Security.

[FR Doc. 01–5741 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comments and Recommendations; Program to Prevent Smoking in Hazardous Areas

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before May 7, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department

of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 317(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 877(c), and 30 CFR 75.1702 prohibits persons from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Under the Mine Act and § 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines, etc. The Mine Act and the standard further require that the mine operator submit the program plan to MSHA for approval. The purpose of the program is to insure that a fire or explosion hazard does not occur.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Program to Prevent Smoking in Hazardous Areas. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act Submissions (http://www.msha.gov/regspwork.htm)'', or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

It is necessary to continue this paperwork burden in order to ensure that mine operators continue to submit smoking materials search plans and that miners are continually protected from the hazards of igniting mine explosions or mine fires by the open flames of cigarette lighters and matches and smoldering tobacco products. Smoking continues to be a prevalent habit of underground coal miners when off work or when engaged in surface activities. Both the accidental or intentional carrying of smoking materials underground and the deliberate disregard for the safety of other miners can only be mitigated by the systematic programs to prohibit the carrying and use of smoking materials underground as required by 30 CFR 75.1702.

Type of Review: Extension (without change).

Agency: Mine Safety and Health Administration.

Title: Program to Prevent Smoking in Hazardous Areas.

OMB Number: 1219–0041.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc: 30 CFR 75.1702.

Total Respondents: 188.

Frequency: On occasion.

Total Responses: 188.

Average Time per Response: 0.5 hour.

Total Burden Hours: 94 hours.

Total Burden Hour Cost: $4,932.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

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

Dated: February 28, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–5742 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–035]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); Airframe Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee, Airframe Systems Subcommittee.

DATES: Thursday, April 5, 2001, 8 a.m. to 5:45 p.m. and Friday, April 6, 2001, 8 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, Langley Research Center, Building 1244, Room 223, Hampton, VA 23681–0001.

FOR FURTHER INFORMATION CONTACT: Dr. Darrel Tenney, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681, 757/864–6033.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—October 24 to 26, 2000, Subcommittee Report
—January 12 to 13, 2001, Report from the Turbulence Workshop
—Wind Tunnel Status and Strategy
—Aerospace Vehicle Systems Technology Program (AVSTP) Status
—AVSTP Vision and New Initiatives

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 5, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–5661 Filed 3–7–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 23, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Food and Nutrition Service (N1–462–01–1, 5 items, 5 temporary items). Records relating to system testing for Y2K compliance. Included are test scripts, test results, and minutes of meetings.

2. Department of Housing and Urban Development, Office of Intergovernmental Relations (N1–207–01–1, 12 items, 10 temporary items). Subject files, records relating to trips taken by the Deputy Assistant Secretary, and correspondence with Federal, state, and local government officials. Also included are electronic copies of documents created using electronic mail and word processing and office web site records containing such information as calendars of events, telephone directories, and copies of congressional testimony. Recordkeeping copies of briefing materials prepared for the Secretary and others and files on agency partnerships with selected cities and states are proposed for permanent retention.

3. Department of Justice, Bureau of Prisons (N1–129–00–12, 4 items, 4 temporary items). Records accumulated by Regional Directors relating to such matters as strategic planning, emergency assistance, personnel, activities at individual facilities, program reviews, indoor air quality, and training. Also included are electronic copies of documents created using electronic mail and word processing.

4. Department of Justice, Bureau of Prisons (N1–129–00–13, 2 items, 2 temporary items). Records of the Regional Counsel relating to community service projects undertaken with such agencies and organizations as the National Park Service, the U.S. Army Corps of Engineers, and local hospitals. Also included are electronic copies of documents created using electronic mail and word processing.

5. Department of Justice, Bureau of Prisons (N1–129–00–14, 5 items, 5 temporary items). Records accumulated by regional Inmate Education Administrators relating to such matters as recreation programs, educational facilities, professional organizations, career counseling, budget, and enrollment in GED classes. Included are electronic copies of documents created using electronic mail and word processing.

6. Department of Justice, Bureau of Prisons (N1–129–00–15, 2 items, 2 temporary items). Records accumulated by Health Systems Administrators in regional offices relating to the operation and administration of institutional medical facilities. Included are correspondence, memoranda, reports, notifications, requests, and electronic copies of documents created using electronic mail and word processing.

7. Department of Justice, Bureau of Prisons (N1–129–00–16, 6 items, 6 temporary items). Records maintained in paper and electronic media accumulated by Food Services Administrators in regional offices. Included are menus and plans, monthly

nutrition reports, program reviews, staff meeting minutes, staff rosters, and electronic copies of documents created using electronic mail and word processing.

8. Department of Justice, Bureau of Prisons (N1–129–00–17, 4 items, 4 temporary items). Records accumulated by Mechanical Services and Facilities Administrators in regional offices. Records pertain to inspections, physical plant maintenance, and related matters. Included are correspondence, memoranda, reports, background files, and electronic copies of documents created using electronic mail and word processing.

9. Department of Justice, Bureau of Prisons (N1–129–00–18, 6 items, 6 temporary items). Records accumulated by regional Community Corrections Administrators relating to such matters as the location of individual inmates, timely admittance and release, accurate sentence computation, and statistical reporting. Also included are electronic copies of documents created using electronic mail and word processing.

10. Department of Justice, Bureau of Prisons (N1–129–00–19, 5 items, 5 temporary items). Administrative records common to regional offices. Included are such records as correspondence with inmates, responses to letters from Members of Congress concerning the status of inmates, files pertaining to assisting the staffs of institutions, and electronic copies of documents created using electronic mail and word processing.

11. Department of Justice, Bureau of Prisons (N1–129–00–20, 6 items, 6 temporary items). Records accumulated by regional Correctional Services Administrators relating to such matters as inmate transfers, day-to-day activities at correctional institutions, and the work of special investigative supervisors and special operations response teams. Also included are electronic copies of documents created using electronic mail and word processing.

12. Department of Justice, Bureau of Prisons (N1–129–01–3, 4 items, 4 temporary items). Records accumulated by the Safety Section, including life safety surveys, a breathing apparatus tracking system, subject files pertaining to such matters as workmen's compensation litigation and inmate injuries, and electronic copies of documents created using electronic mail and word processing.

13. Department of Justice, Bureau of Prisons (N1–129–01–4, 6 items, 6 temporary items). Records of the Quality Assurance Section pertaining to the quality of medical care at agency facilities. Records relate to such matters as the credentials of medical personnel, pre-certification of requests for non-emergency hospitalization, reviews of the circumstances surrounding inmate deaths, the accreditation of medical facilities, and the review of medical problems and issues at facilities. Electronic copies of documents created using electronic mail and word processing are also included.

14. Department of Justice, Bureau of Prisons (N1–129–01–5, 8 items, 8 temporary items). Records accumulated by the Personnel Management and Recruitment Section. Included are such records as working copies of personnel files, monthly staffing reports, health professional shortage area files, National Health Service Corps files, physicians' comparability allowance files, records relating to recruitment trips, an applicant/vacancy tracking system, and electronic copies of documents created using electronic mail and word processing.

15. Department of Justice, Bureau of Prisons (N1–129–01–6, 6 items, 6 temporary items). Records accumulated by the Medical Designations Section relating to determining medical needs of inmates with conditions requiring special treatment, including the identification of inmates with needs that cannot be addressed at the correctional institution. Electronic copies of documents created using electronic mail and word processing are included.

16. Department of Justice, Bureau of Prisons (N1–129–01–7, 7 items, 7 temporary items). Records accumulated by the Food Services Section maintained in paper or electronic format. Included are such records as 35-day master cycle menus, monthly nutrition reports, monthly staff meeting minutes, staff rosters, program reviews, and electronic copies of documents created using electronic mail and word processing.

17. Department of Justice, Bureau of Prisons (N1–129–01–8, 4 items, 4 temporary items). Records accumulated by the Health Promotion and Disease Prevention Section. Included are such records as subject files, policy files, health clinic administrative files, and electronic copies of documents created using electronic mail and word processing.

18. Department of Justice, Bureau of Prisons (N1–129–01–9, 2 items, 2 temporary items). Records accumulated by the Financial Management Section of the Health Services Division pertaining to fitness center applications. Included are such records as medical histories of applicants, liability waivers, and electronic copies of documents created using electronic mail and word processing.

19. Department of Justice, Bureau of Prisons (N1–129–01–10, 2 items, 2 temporary items). Records accumulated by the Drug Free Workplace Office relating in large part to the administration of drug tests by contractors. Electronic copies of documents created using electronic mail and word processing are included.

20. Department of Justice, Bureau of Prisons (N1–129–01–11, 7 items, 7 temporary items). Records accumulated by the Office of the Assistant Director of the Health Services Division. Included are such records as controlled correspondence, working copies of litigation case files, files relating to medical activities in facilities, subject files, chronological files, and electronic copies of documents created using electronic mail and word processing.

21. Department of the Treasury, Bureau of the Public Debt (N1–53–01–1, 23 items, 23 temporary items). Files accumulated by the Savings Bond Operations Office including such records as redemption tables, adjustment advice forms, and summary tax reporting information for various types of savings bonds. Also included are inputs and outputs from two previously scheduled electronic systems and electronic copies of documents created using electronic mail and word processing.

22. Department of the Treasury, Bureau of the Public Debt (N1–53–01–4, 13 items, 13 temporary items). Files accumulated by the Savings Bond Operations Office including such records as tables of redemption values, logs, and inventory reports used in the reconciliation of issued savings bonds. The schedule also proposes increases in the retention periods of procurement records relating to savings bond stock paper and a special study concerning the consolidation of bond processing centers. Also included are electronic copies of documents created using electronic mail and word processing.

23. Department of the Treasury, United States Mint (N1–104–00–4, 2 items, 1 temporary item). Electronic versions of architectural and engineering drawings of United States Mint facilities produced using computer assisted design. Paper copies of the drawings are proposed for permanent retention.

24. Federal Retirement Thrift Investment Board, Office of Automated Services (N1–474–01–1, 2 items, 2 temporary items). Feedback and utilization statistics relating to the agency web site and electronic copies of documents created using electronic mail

and word processing that relate to programs and activities of the Office of Automated Services.

25. National Archives and Records Administration, Office of the Federal Register (N1–64–01–1, 4 items, 4 temporary items). Legal documents and related materials received but not filed for publication or withdrawn from publication and not retrieved by the issuing agency. This schedule also decreases the retention period for rules, proposed rules, and document control files predating 1979, which were previously approved for disposal.

26. National Aeronautics and Space Administration (N1–255–99–4, 18 items, 7 temporary items). Records accumulated by the National Aeronautics and Space Administration from 1959 to 1993, including real property reports to the General Services Administration, background information pertaining to construction projects, public opinion mail, and contracts and other administrative files pertaining to exhibits. Proposed for permanent retention are files relating to such matters as agency facilities, research activities, financial matters, and the activities of committees and boards.

27. National Aeronautics and Space Administration, Agency-wide (N1–255–00–3, 41 items, 37 temporary items). Case files and other records relating to investigations, inspections, assessments, and audits. Also included are the Inspector General's case file tracking system and electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of policy and procedure files, semi-annual reports to Congress, and significant investigative and inspection case files.

28. Nuclear Regulatory Commission, Office of Investigations (N1–431–00–11), 3 items, 3 temporary items). Records relating to the use of confidential sources in investigations. Included are such records as logs, reports, debriefings, and electronic copies of documents created using electronic mail and word processing.

29. Office of Government Ethics, Office of General Counsel and Legal Policy (N1–522–01–1, 1 item, 1 temporary item). Records relating to the issuance of waivers and other ethics determinations in response to submissions by Federal agencies.

Dated: March 1, 2001.

Howard P. Lowell,

Acting Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–5619 Filed 3–7–01; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 65 FR 81902 and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Comments regarding these information collections are best assured of having their full effect if received by OMB on or before April 9, 2001.

ADDRESSES: Written comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of NSF's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Teresa R. Pierce, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to tpierce@nsf.gov. Copies of the submission may be obtained by calling (703) 292–7555.

FOR FURTHER INFORMATION CONTACT: Teresa R. Pierce, NSF Reports Clearance Officer at (703) 292–7555 or send e-mail to tpierce@nsf.gov.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Medical Clearance Process for Deployment to the Polar Regions.

OMB Control No.: 3145–NEW.

Abstract:

A. Proposed Project

All individuals who anticipate deploying to Antarctica and to certain regions of the Arctic under the auspices of the National Science Foundation's Office of Polar Programs are required to take and pass a rigorous physical examination prior to deploying. The physical examination includes a medical history, medical examination, a dental examination and for those persons planning to winter over in Antarctica a psychological examination is also required. The requirement for this determination of physical status for Antarctic deployment is found in 42 U.S.C. 1870 (Authority) and 45 CFR 675, unless otherwise noted. This part sets forth the procedures for medical screening to determine whether candidates for participation in the United States Antarctic Program (USAP) are physically qualified and psychologically adapted for assignment or travel to Antarctica. Medical screening examinations are necessary to determine the presence of any physical or psychological conditions that would threaten the health or safety of the candidate or other polar participants or that could not be effectively treated by the limited medical care capabilities at the Arctic and Antarctic stations.

(b) Presidential Memorandum No. 6646 (February 5, 1982) (available from the National Science Foundation, Office of Polar Programs, room 755, 4201 Wilson Blvd., Arlington, VA 22230) sets forth the National Science Foundation's overall management responsibilities for the entire United States national program in Antarctica.

(c) The Arctic Research and Policy Act, As Amended (Public Law 98–373, July 31, 1984 amended as Public Law 101–609, November 16, 1990) (available from the National Science Foundation,

Office of Polar Programs, room 755, 4201 Wilson Blvd., Arlington, VA 22230) sets forth the National Science Foundation's responsibility as the lead agency responsible for implementing Arctic research policy.

B. Use of the Information

1. *Form NSF–1421, 1451, 1461,* National Science Foundation—Medical Risks for NSF–Sponsored Personnel Traveling to Antarctica/Polar Regions—will be used to inform the polar participants of the risks associated with traveling to the polar regions where there are only limited medical care capabilities and facilities.

2. *Form NSF–1422, 1452, 1462,* National Science Foundation—Polar Physical Examination—Medical History—Antarctica/Official Visitor/Arctic, will be used by the individual to record the individual's family and personal medical histories. It is a five-page form that includes the individual's and the individual's emergency point-of-contact's name, address, and telephone numbers. It contains the individual's email address, employment affiliation and dates and locations of current and previous polar deployments. It also includes a signed certification of the accuracy of the information and understandings of refusal to provide the information or providing false information. The agency's contractor's reviewing physician and medical staff complete the sections of the form that indicated when the documents were received and whether or not the participant is qualified for Antarctic deployment, in which season qualified to deploy and where disqualified the reasons.

3. *Form NSF–1423, 1453, 1463,* Polar Physical Examination—Antarctica/Official Visitor/Arctic, will be used by the individual's physician to document specific medical examination results and the overall status of the individual's health. It is a two-page form which also provides for the signatures of both the patient and the examining physician, as well as contact information about the examining physician. Finally, it contains the name, address and telephone number of the agency's contractor that collects and retains the information.

4. *Form NSF–1424, 1454, 1464,* National Science Foundation—Medical Screening for Blood-Borne Pathogens/Consent for HIV Antibody Blood Test—Antarctica/Official Visitor/Arctic will be used to notify individuals of the requirement for Hepatitis B and C and HIV screening for winter over participants and to encourage summer season participants to voluntarily be tested.

5. *Form NSF–1425, 1455, 1465,* Polar Dental Examination—Antarctica/Official Visitor/Arctic, will be used by the examining dentist to document the status of the individual's dental health and to document when the individual was examined. It will also be used by the contractor's reviewing dentist to document whether or not the individual is dentally cleared to deploy to the polar regions.

6. *Form NSF–1426, 1456, 1466,* National Science Foundation—Polar Physical Examination—Medical History Interval Screening—Antarctica/Official Visitor/Arctic, will only be used by individuals who are under the age of 40 and who successfully took and passed a polar physical examination the previous season or not more than 24 months prior to current deployment date. It allows the otherwise healthy individual to update his or her medical data without having to take a physical examination every year as opposed to those over 40 years of age who must be examined annually.

7. *Form NSF–1427, 1467,* National Science Foundation—Authorization for Treatment of Field-Team Member/Participant Under the Age of 18 Years—will be used by the individual's parent or guardian to authorize medical treatment while the under age participant is deployed, if needed.

8. *Form NSF–1428, 1468,* National Science Foundation—Request for Waiver of Medical Requirements—USAP/Arctic—Any individual who is determined to be not physically qualified for polar deployment may request an administrative waiver of the medical screening criteria. This allows the individual to request and receive an in-depth review of his or her disqualifying condition as it relates to him or her to determine the risk of deploying in spite of the disqualifying medical condition.

9. *Form NSF–1429, 1469,* National Science Foundation—Employer Statement of Support—Antarctica/Arctic will allow the individual's employer to acknowledge that his or her employee has been found not physically qualified in accordance with polar medical screening criteria and to make a determination of acceptable risk in accordance with the Americans with Disabilities Act. It ensures that the employer understands that NSF has determined there is a risk to the individual of deploying and allows the employer to determine whether to support the request or provide a replacement.

10. *Other information requested:* The polar medical screening packages also includes the NSF Privacy Notice, which is not numbered and the following documents added by the primary support contractor:

—the Dear participant, Dear Doctor and Dear Dentist letters and a list of all medical laboratory tests required. This information is provided in response to participants' requests for more definitive information regarding the screening requirements. The NSF will instruct its contractors to include the Estimate of Burden Statement in the Dear Participant Letter.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be approximately 11.4 hours annually per participant for the Antarctic and Arctic forms and 9.8 hours for the Official Visitor forms.

Respondents: All individuals deploying to the Antarctic to Greenland and to other select areas of the Arctic that are under the auspices of the National Science Foundation's Office of Polar Programs must complete these forms. There are approximately 3,120 submissions per year, with a small percentage (c.3%) under the age of 40 who are required to provide annual submissions but only take a complete physical examination every two years.

Estimated Number of Responses per Form: 3,120.

Estimated Total Annual Burden on Respondents: The total annual burden in hours is 29,617.11, broken down by form:

NSF form number—Antarctica	Annual burden hours	NSF form number—official visitors	Annual burden hours	NSF form number—arctic	Annual burden hours
1421	3,000.00	1451	20.00	1461	50.000
1422	1,500.00	1452	10.00	1462	25.000
1423	18,000.00	1453	180.00	1463	300.000
1424	270.00	1454	1.80	1464	4.500

NSF form number—Antarctica	Annual burden hours	NSF form number—official visitors	Annual burden hours	NSF form number—arctic	Annual burden hours
1425	6,000.00	1455	40.00	1465	100.000
1426*	37.50	*1456	0.50	*1466	0.625
1427**	0.09			**1467	0.090
1428***	25.0			***1468	<1.00
1429***	50.0			***1469	<1.00
Total	28,882.59		252.30		482.22

*These forms are completed by under age 40 participants only and are completed every other year.
**This form is only completed by participants who are under age 18.
***For those individuals who request a waiver after being not physically qualified.

Frequency of Responses: Individuals must complete the forms annually to be current within 12 months of their anticipated deployment dates. Depending on individual medical status some persons may require additional laboratory results to be current within two to six weeks of anticipated deployment.

Teresa R. Pierce,

Reports Clearance Officer.

[FR Doc. 01–5679 Filed 3–7–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–146]

Saxton Nuclear Experimental Corporation and GPU Nuclear Corporation; Saxton Nuclear Experimental Facility Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Amended Facility License No. DPR–4 issued to GPU Nuclear Corporation and Saxton Nuclear Experimental Corporation (the licensees), for possession of the Saxton Nuclear Experimental Facility (SNEF), located in Saxton, Bedford County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise Amended Facility License No. DPR–4 to change the legal name GPU Nuclear Corporation to GPU Nuclear, Inc. wherever it appears in the license to reflect the change in name of the corporation.

The proposed action is in accordance with the licensees' application for amendment dated November 30, 2000, as supplemented by letter dated January 18, 2001.

The Need for the Proposed Action

The proposed action is needed to conform the license to reflect the change in the legal name of GPU Nuclear Corporation to GPU Nuclear, Inc.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed amendment to the SNEF amended facility license to reflect the change in the legal name of GPU Nuclear Corporation to GPU Nuclear, Inc. will have no impact on the continued safe possession of the facility. Also, the change does not alter the corporate existence of the company, or its obligations, responsibilities or liabilities as related to its responsibility as a licensee for the SNEF. All legal characteristics, other than the legal name of the company will remain the same. An identical change was previously approved by the NRC for the Oyster Creek Nuclear Generating Station (Amendment No. 194 issued on January 14, 1998) and for the Three Mile Island Nuclear Generating Station, Unit-1 (Amendment No. 207 issued on April 24, 1998).

Therefore, the proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action involves an administrative amendment that does not involve the use of irreversible or irretrievable resources. Therefore, there is no alternative use of resources to be considered.

Agencies and Persons Consulted

In accordance with its stated policy, on January 4, 2001, the staff consulted with the Pennsylvania State official, M. Murphy of the Bureau of Radiation Protection, Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 30, 2000, as supplemented by letter dated January 18, 2001, which are available for public inspection, and/or copied for a fee, at the U.S. Nuclear Regulatory Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from

the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 31st day of January, 2001.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–5744 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on March 27, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, March 27, 2001—8:30 a.m. until the conclusion of business.

The Subcommittee will review selected boiling water reactor Vessel and Internals Project (BWRVIP) reports applicable to Hatch license renewal and the proposed final revisions of license renewal regulatory guidance documents (Generic Aging Lessons Learned (GALL) report, Standard Review Plan, Regulatory Guide, and NEI 95–10, Industry Guideline for Implementing the Requirements of 10 CFR Part 54—The License Renewal Rule). The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, BWRVIP, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Sam Duraiswamy (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 1, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–5752 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on March 28, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, March 28, 2001—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the draft Safety Evaluation Report for the Southern Nuclear Operating Company, Inc., license renewal application for Hatch Units 1 and 2. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Southern Nuclear Operating Company, Inc., and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Sam Duraiswamy (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 1, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–5753 Filed 3–7–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Integrated Orthopaedics, Inc., Common Stock, $.001 Par Value) File No. 1–10677

March 2, 2001.

Integrated Orthopaedics, Inc., a Texas corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d)

[1] 15 U.S.C. 78*l*(d).

thereunder,[2] to withdraw its Common Stock, $.001 par value (''Security''), from listing and registration on the American Stock Exchange (''Amex'').

Amex listing guidelines require that, when a listed company is acquired by an unlisted company, even though the listed company is the nominal survivor, the Amex will apply its original listing criteria in evaluating the eligibility of the surviving company for listing. Representatives of the Amex have advised the Issuer that, upon completion of the Issuer's expected merger with PowerBrief, Inc., its Security will no longer be eligible to be listed on the Amex because the resultant combined company will not meet the Amex's original listing criteria. As a result, the Issuer has determined to voluntarily withdraw its Security from listing and registration on the Amex at this time. The Issuer has indicated that it will pursue the possibility of having the Security quoted in the unlisted over-the-counter market once it has ceased to trade on the Amex.

The Issuer has stated in its application that it has complied with the rules of the Amex governing the withdrawal of its Security and that the application relates solely to the withdrawal of the Security from listing on the Amex and registration under Section 12(b) of the Act.[3]

Any interested person may, on or before March 23, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–5690 Filed 3–7–01; 8:45 am]

BILLING CODE 8010–01–M

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24884; 812–12338]

Barr Rosenberg Series Trust; AXA Rosenberg Investment Management LLC, and AXA Rosenberg Group LLC; Notice of Application

March 2, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

Summary of Application: Applicants request an order to permit a series of a registered open-end management investment company to acquire all of the assets, subject to the liabilities, of another series of the investment company. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

Applicants G: Barr Rosenberg Series Trust (the ''Trust''), AXA Rosenberg Investment Management LLC (the ''Adviser''), and AXA Rosenberg Group LLC (''AXA Rosenberg Group'').

Filing Dates: The application was filed on November 27, 2000, and was amended on March 2, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 23, 2001 and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609; Applicants: c/o J.B. Kittredge, Jr., Esq., Ropes & Gray, One International Place, Boston, Massachusetts 02110–2624, Kenneth Reid and Sara Ronan, AXA Rosenberg Investment Management LLC, Four Orinda Way, Building E, Orinda, California 94563.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 942–0574 or Janet M. Grossnickle, Branch Chief, at (202) 942–0564, (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered under the Act as an open-end management investment company and is currently comprised of ten series, including the AXA Rosenberg Japan Fund (the ''Japan Fund'') and the AXA Rosenberg International Equity Fund (the ''International Fund'' and together with the Japan Fund, the ''Funds'').

2. The Adviser is the investment adviser for the Funds, and is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). The Adviser is owned 100% by AXA Rosenberg Group. AXA Rosenberg Group is indirectly controlled by AXA Group, a French holding company for an international group of insurance and related financial services companies. AXA Group also controls The Equitable Assurance Society of the United States (''Equitable''). AXA Rosenberg Group owns for its own account approximately 82% of the outstanding voting securities of the Japan Fund, and Equitable owns for its own account approximately 100% of the outstanding voting securities of the International Fund.

3. On December 4, 2000, the board of directors of the Trust (the ''Board''), including all of the directors who are not ''interested persons'' as defined in section 2(a)(19) of the Act (''Independent Directors''), unanimously approved an Agreement and Plan of Reorganization (the ''Plan''). The Plan provides that, on a date in the first quarter of 2001 (the ''Merger Date''), substantially all of the assets, subject to the liabilities, of the Japan Fund will be sold to the International Fund (the ''Merger''). The Plan provides that, as payment for such assets, the International Fund will issue to the Japan Fund a number of shares of designated classes which will be calculated to equal in aggregate value the net assets attributable to the shares of the corresponding classes of the Japan Fund acquired by the International Fund. The shares issued by each class of the International Fund will then be distributed to the shareholders of the

corresponding class of the Japan fund on a *pro rata* basis. The Japan Fund will then be liquidated. Each Japan Fund shareholder will receive International Fund shares having an aggregate net asset value equal to the aggregate net asset value of the corresponding Japan Fund shares held by that shareholder, determined as of 4 p.m. on the Merger Date. The assets and liabilities of both funds will be valued at 4 p.m. on the Merger Date consistently in accordance with the valuation procedures set forth in the Trust's Registration Statement.

4. Applicants state that although not identical, the investment objectives, policies, and restrictions of the Funds are generally similar. The Japan Fund offers two classes of shares: Institutional Shares and Investor Shares. The International Fund offers five classes of shares: Class A, Class B, Class C, Institutional and Investor Shares. No shares of Classes A, B, and C are outstanding. Investor Shares of both Funds pay a distribution and shareholder service fee. Institutional and Investor Shares of both Funds are sold without any front-end or deferred sales charge. Institutional and Investor Shares of the International Fund have rights and obligations, and enjoy shareholders services that are identical in all respects to those of the corresponding class of Japan Fund shares. No sales charge or fee of any kind will be charged to either Fund's shareholders in connection with the Merger, and the Funds will incur no brokerage expenses or finders fee in connection with the transfer of assets of the Japan Fund to the International Fund.

5. On December 4, 2000, the Board determined that the Merger is in the best interests of each of the Funds and their shareholders and that the interests of existing shareholders of the Funds will not be diluted as a result of the Merger. In making this determination, the Board considered, among other things: (a) the terms and conditions of the Merger; (b) the tax-free nature of the Merger; (c) the anticipated expenses of the Merger, including the fact that the Adviser will pay such expenses except brokerage expenses, if any, in connection with the pre-Merger disposition of certain of the Japan Fund's assets; and (d) the compatibility of the Funds' investment objectives, policies and restrictions.

6. The Merger is subject to a number of conditions precedent, including: (a) the Plan shall have been approved by the holders of a majority of the outstanding shares of the Japan Fund; (b) the parties shall have complied with all material aspects of the Plan on or before the Merger Date; (c) the applicants shall have received from the Commission the exemptive relief requested in the application; (d) the registration statement filed with the Commission shall have become effective; (e) the Funds shall have received opinions of legal counsel concerning the tax-free nature of the Merger; and (f) the Japan Fund shall have declared and paid dividends and other distributions on or before the Merger Date. The Plan may be terminated and the Merger abandoned by mutual agreement of the parties at any time prior to the Merger Date. In addition, the Plan may be terminated by either party under certain circumstances specified in the Plan. The applicants agree that they will not make any material changes to the Plan without first obtaining the prior approval of the Commission.

7. A Registration and Information Statement on Form N–14 was filed with the Commission on February 2, 2001. It is anticipated that the Prospectus/Information Statement will be mailed to the Japan Fund's shareholders on or about March 6, 2001, and that AXA Rosenberg Group will execute a majority shareholder consent approving the Merger on or about March 27, 2001. Applicants state that because AXA Rosenberg Group has indicated that it will approve the Merger, no shareholder proxies will be solicited.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by, or under common control with the other person; and (d) if the other person is an investment company, any investment adviser of that company. Applicants state that the Funds may be deemed affiliated persons and thus the Merger may be prohibited by section 17(a).

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely be reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions are satisfied.

3. Applicants state that they may not rely on rule 17a–8 because the Funds may be deemed to be affiliated for reasons other than those set forth in the rule. The Japan Fund and International Fund may also be deemed to be affiliated because of (a) AXA Rosenberg Group's estimated 82% ownership interest in the Japan Fund and its 100% ownership of the Adviser, and (b) the common control of AXA Rosenberg Group, the Adviser and Equitable, together with Equitable's ownership of approximately 100% of the outstanding shares of the International Fund.

4. Section 17(b) of the Act provides that the Commission may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the considerations to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants request an order under section 17(b) of the Act exempting them from section 17(a) of the Act to the extent necessary to complete the Merger. Applicants submit that the Merger satisfies the standards of section 17(b) of the Act. Applicants state that the Board, including all of the Disinterested Trustees, has determined that participation in the Merger is in the best interests of each Fund, and that the interests of the Funds' shareholders will not be diluted as a result of the Merger. The applicants also state that the Merger will be based on the Funds' relative net asset values.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5724 Filed 3–7–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44020; File No. SR–CBOE–01–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Extending for a Six-Month Period the Pilot Program for the Exchange's 100 Spoke RAES Wheel

February 28, 2001.

Pursuant to section 19(b)(1) of the Securities Act of 1934 (''Act'')[1] and rule 19b–4[2] thereunder, notice is hereby given that on February 27, 2001, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. CBOE filed the proposal pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission. 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

CBOE hereby proposes to extend, for an additional six-month period, the pilot program that permits the appropriate Floor Procedure Committee (''FPC'') to allocate orders on the Exchange's Retail Automatic Execution System (''RAES'') under the allocation system known as the 100 Spoke RAES Wheel. CBOE has designated this proposal as non-controversial and requests that the Commission waive both the five-day pre-filing notice and the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii) under the Act,[5] to allow the proposal to be both effective and operative immediately upon filing with the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 25, 2000, the Commission approved on a pilot basis the Exchange's proposal to amend CBOE Rule 6.8, which governs the operation of RAES,[6] to provide the appropriate FPC with another choice for apportioning RAES trades among participating market makers, the 100 Spoke RAES Wheel.[7] In those classes where the 100 Spoke RAES Wheel is employed, the percentages of RAES contracts assigned to a participating market maker is essentially identical to the percentage of non-RAES in-person agency contracts traded by that market maker in that class. The Exchange now proposes to extend the pilot program for an additional six-month period ending August 28, 2001.[8] The pilot will continue to operate under its current terms and conditions.

CBOE believes that the 100 Spoke RAES Wheel pilot program has been used as anticipated. Use of the 100 Spoke RAES Wheel has expanded since its implementation, and it is currently used in approximately two-thirds to three-fourths of the equity options trading stations. CBOE believes that an extension of the pilot program will continue to provide the appropriate FPC with flexibility in determining the appropriate allocation system for a given class of options on RAES. In addition, CBOE believes that the continuation of the pilot program will continue to reward those market makers who are most active in providing liquidity to agency business in the assigned options class.

2. Statutory Basis

CBOE believes that the proposed rule change will continue to be consistent with the requirements of section 6(b)(5) Act.[9] Section 6(b)(5) 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 facilitate transactions in securities; to remove impediments to and perfect the mechanisms 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

CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

CBOE has asserted that, because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed (or such shorter time as the Commission may designate) it has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

CBOE has requested that the Commission waive the 30-day pre-operative waiting period, which will allow the Exchange to continue the pilot program without interruption until the Commission determines whether to approve the pilot on a permanent basis. The Commission believes that, with the continuation of the pilot program, market makers will continue to have greater incentive to compete effectively for orders in the crowd, which benefits investors and promotes the public interest. In addition, given the widespread use of the 100 Spoke RAES

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] RAES is the Exchange's automatic execution system for public customer market or marketable limit orders of less than a certain size.

[7] *See* Securities Exchange Act Release No. 42824 (May 25, 2000), 65 FR 37442 (June 14, 2000).

[8] The Exchange intends to submit a rule change in the near future proposing permanent approval of the 100 Spoke RAES Wheel allocation system.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

Wheel in equity options trading stations, requiring the Exchange to discontinue the use of the 100 Spoke RAES Wheel as of March 1, 2001, would cause disruption to those trading stations, and thus, be disruptive to investors and the public interest. Accordingly, the Commission finds good cause to waive the 30-day operative waiting period and to designate that the proposal become operative immediately.[12]

The Commission has also waived the requirement that the Exchange provide written notice of its intent to file the proposed rule change at least five business days prior to the date of filing.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–01–07 and should be submitted by March 29, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5691 Filed 3–7–01; 8:45 am]

BILLING CODE 8010–01–M

[12] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] *See* 17 CFR 240.19b–4(f)(6)(iii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44025; File No. SR–PCX 01–12]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. Relating to Listing and Trading of Options on Exchange-Traded Fund Shares

February 28, 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 27, 2001, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') 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 PCX. On February 28, 2001, the PCX submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend its rules to create listing criteria and amend trading rules to allow the Exchange to list options on Exchange-Traded Fund Shares. The text of the proposed rule change is available at the PCX or the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX 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 PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*

The purpose of the proposed rule change is to provide for the trading of options and FLEX options on Exchange-Traded Fund Shares.[4] As noted above, Exchange-Traded Fund Shares are exchange-listed securities representing interests in open-end unit investment trusts or open-end management investment companies (''Funds'') that hold securities based on an index or a portfolio of securities.[5] Exchange-Traded Fund Shares are issued in exchange for an ''in kind'' deposit of a specified portfolio of securities, together with a cash payment, in minimum size aggregations or multiples thereof (''Creation Units''). The size of the applicable Creation Unit size aggregation is set forth in the Fund's prospectus, and varies from one series of Exchange-Traded Fund Shares to another, but generally is of substantial size (*e.g.,* value in excess of $450,000 per Creation Unit). A Fund, generally, will issue and sell Exchange-Traded Fund Shares in Creation Unit size through a principal underwriter on a continuous basis at the net asset value per share next determined after an order to purchase Exchange-Traded Fund Shares and the appropriate securities are received. Following issuance, Exchange-Traded Fund Shares are traded on an exchange like other equity securities, and equity trading rules apply. Likewise, redemption of Exchange-Traded Fund Shares is made in Creation Unit size and ''in kind,'' with a portfolio of securities and cash exchanged for the Exchange-Traded fund shares that have been tendered for redemption.

Generally, options on Exchange-Traded Fund Shares are proposed to be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Hassan Abedi, Attorney, Regulatory Policy, PCX, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated February 28, 2001. In Amendment No. 1, the PCX made certain technical changes to its proposed rule language and added various sections that were erroneously excluded from the original filing. In addition, PCX represented that holders of options on Fund Shares who exercise and receive the underlying Fund Shares must receive, like any purchaser of Fund Shares, a product description or prospectus, as appropriate.

[4] In general, FLEX options provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices. *See* PCX Rule 8.

[5] Currently, the Exchange trades unit investment trust securities known as Portfolio Depository Receipts and Investment Company Units, which are issued by an open-end management investment company. Portfolio Depository Receipts and Investment Company Units are listed on the PCX pursuant to PCX Equities Rules 8.100(a) and 5.2(j)(3), respectively, and trade like shares of common stock. The Commission notes that not all Portfolio Depository Receipts and Investment Company Units trading on the PCX may meet the standards for options trading approved by this order.

traded on the Exchange pursuant to the same rules and procedures that apply to trading in options on equity securities. However, the Exchange is also proposing to list FLEX options on Exchange-Traded Fund Shares and some options will have a unit of trading of 1000 Exchange-Traded Fund Shares. The Exchange will list option contracts covering either 100 or 1000 Exchange-Traded Fund Shares, or both, depending on the price and volatility of the underlying Exchange-Traded fund Shares and the popularity of the options.[6]

The proposed position, exercise and reporting limits for options on Exchange-Traded Fund Shares would be the same as those established for stock options as set forth in PCX Rules 6.8(a), 6.9, and 6.6(a), respectively. The PCX anticipates that most options on Exchange-Traded Fund Shares initially will qualify for only the lowest position limit. As with other equity options, the position limits will be increased for options if the volume of trading in the Exchange-Traded Fund Shares increases to meet the requirements of a higher limit. As is currently the case for all FLEX options, no position or exercise limits will be applicable to FLEX options overlying Exchange-Traded Fund Shares.

The listing and maintenance standards proposed for options on Exchange-Traded Fund Shares are set forth in proposed Commentary .06 under PCX Rule 3.6 and in proposed Commentary .10 under PCX Rule 3.7, respectively. Pursuant to the proposed initial listing standards, PCX will only list options on Exchange-Traded Fund Shares that are principally traded on a national securities exchange or through the facilities of a national securities association and reported as national market securities. In addition, the initial listing standards require that either: (1) The Exchange-Traded Fund Shares meet the uniform options listing standards set forth in PCX Rule 3.6(a), which include minimum public float, trading volume, and share price of the underlying security in order to list the option;[7] or (2) the Exchange-Traded Fund Shares must be available for creation or redemption each business day in cash or in kind from the Fund at a price related to the net asset value, and the Exchange will require that the investment company shall provide that Exchange-Trader Fund Shares may be created even though some or all of the securities needed to be deposited have not been received by the Fund.[8]

In addition, the initial listing standards require that: (1) Any Exchange-Traded Fund Share with non-U.S. stocks in the underlying index or portfolio that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio; (2) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index or portfolio; and (3) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index or portfolio.

The Exchange's proposed maintenance standards provide that if a particular series of Exchange-Traded Fund Shares should cease to trade on an exchange or as national market securities traded through the facilities of a national securities association, there will be no opening transactions in the options on the Exchange-Traded Fund Shares, and all such options will trade on a liquidation-only basis. In addition, the PCX will consider the suspension of opening transactions in any series of options of the class covering Exchange-Traded Fund Shares if: (1) The options fail to meet the uniform equity option maintenance standards in Commentary .01 to Rule 3.7,[9] when the options were listed pursuant to the equity option listing standards of PCX Rule 3.6(a); (2) following the initial twelve-month period beginning upon the commencement of trading of the Exchange-Traded Fund Shares on a national securities exchange or as national market securities through the facilities of a national securities association there are fewer than 50 record and/or beneficial holders of Exchange-Traded Fund Shares for 30 or more consecutive trading days; (3) the value of the index or portfolio of securities on which the Exchange-Traded Fund Shares are based is no longer calculated or available; or (4) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable. Options on Exchange-Traded Fund Shares will be physically-settled and will have the American-style exercise feature used on all standardized equity options. The Exchange, however, also proposes to trade FLEX options, which will be available with both the American-style and European-style exercise feature, as well as other FLEX option features.[10]

The proposed margin requirements for options on Exchange-Traded Fund Shares are at the same levels that apply to options generally under PCX Rule 2.16, except, with respect to Exchange-Traded Fund Shares based on a broad-based index or portfolio, minimum margin must be deposited and maintained equal to 100% of the current market value of the option plus 15% of the market value of equivalent units of the underlying security value. Exchange-Traded Fund Shares that hold securities based upon a narrow-based index or portfolio must have options margin that equals at least 100% of the current market value of the contract plus 20% of the market value of equivalent units of the underlying security value. In this respect, the margin requirements proposed for options on Exchange-Traded Fund Shares are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

The Exchange believes it has the necessary systems capacity to support the additional series of options that would result from the introduction of options on Exchange-Traded Fund Shares, and it has been advised that the Options Price Reporting Authority

[6] The 1000 share feature was proposed and approved by the American Stock Exchange (''Amex'') and The Options Clearing Corporation. Securities Exchange Act Release Nos. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998) (SR–Amex–96–44) and 40132 (June 25, 1998), 63 FR 37467 (July 6, 1998) (SR–OCC–97–02). In the event the Exchange lists options covering both 100 and 1000 of the same underlying Exchange-Traded Fund Shares, the Exchange will assign separate trading symbols to the options and will issue an Information Circular to all its members advising of the trading symbols.

[7] Specifically, PCX Rule 3.6(a) requires the underlying security to have a public float of 7,000,000 shares, 2,000 holders, trading volume of 2,400,000 shares in the preceding 12 months, a share price of $7.50 for the majority of the business days during the three calendar months preceding the date of the selection, and that the issuer of the underlying security is in compliance with the Act.

[8] This assumes that the authorized creation participant has undertaken to deliver the shares as soon as possible and such undertaking has been secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the Fund which underlies the option, as described in the Fund prospectus.

[9] Specifically, Commentary .01 to PCS Rule 3.7(a) provides that an underlying security will not meet the Exchange's requirements for continued listing when, among other things; (1) there are fewer than 6,300,000 publicly-held shares; (2) there are fewer than 1,600 holders; (3) trading volume was less than 1,800,000 shares in the preceding twelve months; or (4) the share price of the underlying security closed below $5 on a majority of the business days during the preceding 6 months.

[10] An American-style option may be exercised at any time prior to its expiration. A European-style option, however, may be exercised only on its expiration date.

(''OPRA'')[11] also will have the capacity to support these additional series due to recent enhancements.

2. Statutory Basis

The PCX believes that the listing and trading of options on Exchange-Traded Fund Shares should provide investors with another choice of venue to conduct trading in these products. Thus, the Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act[12] in that it is designed to promote just and equitable principles of trade, 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 PCX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The PCX 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 PCX. All submissions should refer to File No. SR–PCX 01–12 and should be submitted by March 29, 2001.

[11] The Exchange confirmed with OPRA that it will have the capacity to support these additional series related to trading of Exchange-Traded Fund Shares.

[12] 15 U.S.C. 78f(b)(5).

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 requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5).[13] Specifically, the Commission believes that providing for the listing and trading of options and FLEX Equity options[14] on Exchange-Traded Fund Shares should give investors a better means to hedge their positions in the underlying Fund Shares. Further, the Commission believes that pricing of the underlying Fund Shares may become more efficient and market makers in these shares, by virtue of enhanced hedging opportunities, may be able to provide deeper and more liquid markets. In sum, the Commission believes that options on Fund Shares likely will engender the same benefits to investors and the market place that exist with respect to options on common stock, thereby serving to promote the public interest and remove impediments to a free and open securities market.[15]

As a general matter, the Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as options on Fund Shares, can commence trading on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. With regard to position and exercise limits, the Commission finds that it is appropriate to adopt the tiered approach used in setting position and exercise limits for standardized stock options. This approach should serve to minimize potential manipulation and market impact concerns. In addition, the Commission believes that the rationale for allowing FLEX Equity options generally to trade without position and exercise limits is equally applicable in the context of FLEX Equity options on Fund Shares.

Accordingly, because options and FLEX Equity options on Fund Shares will be subject to the same regulatory regime as the other options and FLEX Equity options currently traded on the Phlx, the Commission believe that adequate safeguards are in place to ensure the protection of investors in options and FLEX Equity options on Fund Shares.

The Commission also believes that it is appropriate to permit the PCX to list and trade options, including FLEX Equity options, on Exchange-Traded Fund Shares given that these options must meet specific requirements related to the protection of investors.[16] First, the Exchange's listing and delisting criteria for options on Fund Shares are adequate. With regard to initial listing, the proposal requires that either: (1) The underlying Fund Shares meet the PCX's uniform options listing standards; or (2) the Exchange-Traded Fund Shares must be available for creation or redemption each business day in cash or in kind from the Fund at a price related to the net asset value, and the Exchange will require that the underlying Fund Shares may be created even though some or all of the securities needed to be deposited have not been received by the Fund.[17] This listing requirement should ensure that there exists sufficient supply of the underlying Fund Shares so that a short call writer, for example, will have the ability to secure delivery of the Fund Shares upon exercise of the option.

The Commission believes the PCX has adequately addressed potential concerns about the ability to produce Fund Shares upon exercise of the option through the adoption of the listing standards set forth above. In particular, options listed pursuant to the uniform options listing standards will have to meet the options maintenance listing standards that require, among other things, that a minimum number of Fund Shares be outstanding to continue trading the options.[18] The alternative listing criteria, noted above, should also help to ensure that the underlying Fund Shares will be available upon exercise by requiring the Fund to allow market participants to create Fund Shares even though some or all of the necessary securities needed to be deposited are

[13] 15 U.S.C. 78f(b)(5).

[14] The Commission hereby incorporates by reference its findings and conclusions with respect to the appropriateness of FLEX Equity options generally. *See* Securities Exchange Act Release No. 37336 (June 19, 1996), 61 FR 33558 (June 27, 1996).

[15] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] The PCX represents that holders of options on Fund Shares who exercise and receive the underlying Fund Shares will receive, like any purchaser of Fund Shares, a product description or prospectus, as appropriate. *See* Amendment No. 1.

[17] *See* supra not 8.

[18] *See* supra note 7.

not available.[19] Although there is no absolute assurance that market participants will go ahead and create Fund Shares in the event a short call writer needs to purchase Fund Shares to meet an exercise notice, it is likely that arbitrage opportunities will create an incentive to do so. Further, in the event there are not enough Fund Shares to meet exercise requirements, as with other physically-settled equity options, the Options Clearing Corporation has rules that would apply to such situations.

Second, the Commission believes that the surveillance standard developed by the PCX for options on Fund shares is adequate to address the concerns associated with the listing and trading of such securities. Specifically, the PCX has proposed that: (1) Any Fund Share with non-US stocks in the underlying index or portfolio that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio; (2) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index or portfolio; and (3) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index or portfolio.

As a general matter, the Commission believes that comprehensive surveillance agreements provide an important deterrent to manipulation because they facilitate the availability of information needed to fully investigate a potential manipulation if it were to occur. These agreements are especially important in the content of derivative products based on foreign securities because they facilitate the collection of necessary regulatory, surveillance and other information from foreign jurisdictions. In evaluating the current proposal, the Commission believes that requiring comprehensive surveillance agreements to be in place between the PCX and the primary markets for foreign securities that comprise 50% or more of the weight of the underlying index or portfolio upon which Fund Shares are based, as well as the other conditions discussed above, provides an adequate mechanism for the exchange of surveillance sharing information necessary to detect and deter possible market manipulations. Although the Commission recognizes that up to 50% of the Portfolio's value may not be covered by comprehensive surveillance agreements, the other requirements will ensure that a significant percentage of the portfolio is not made up of securities from uncovered countries. Further, as to the domestically-traded Fund Shares themselves and the domestic stocks in the underlying index or portfolio upon which Fund Shares are based, the Intermarket Surveillance Group Agreement will be applicable to the trading of options on Fund Shares.

Finally, the Commission believes that it is appropriate to require minimum margin of 100% of the current market value of the option plus 15% of the market value of the underlying security value (''broad-based margin'') for options on Fund Shares based on a broad-based index or portfolio and for options on Fund Shares which have been approved to date. Moreover, the Commission believes that requiring minimum margin of 100% of the current market value of the option plus 20% of the market value of the underlying security value (''narrow-based margin'') for options on Fund Shares based on a narrow-based index or portfolio is appropriate. The Commission notes that these margin requirements for options on Exchange-Traded Fund Shares are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

The Commission finds good cause for approving the proposed rule change (SR–PCX–01–12), as amended, prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission notes that the proposed rule change, as amended, is similar to rules previously approved by the Commission for the American Stock Exchange, LLC, the Chicago Board Options Exchange, Inc., and the Philadelphia Stock Exchange, Inc.[20] The Commission also observes that the proposed rule change, as amended, concerns issues that previously have been the subject of a full comment period pursuant to Section 19(b) of the Act.[21] The Commission does not believe that the proposed rule change, as amended, raises novel regulatory issues that were not addressed in the previous filings. Moreover, the Commission believes that approving the listing and trading of Exchange-Traded Fund Shares on the PCX will increase industry competitiveness by providing an additional venue for the trading of such issues, to the benefit of the investor. Accordingly, the Commission finds that there is good cause, consistent with section 6(b)(5) of the Act, to approve the amended proposal on an accelerated basis.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–PCX–01–12), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5692 Filed 3–7–01; 8:45 am]

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[19] *See* supra note 8.

[20] *See* Securities Exchange Act Release No. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998), (SR–Amex–96–44); Securities Exchange Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–00–107); Securities Exchange Act Release No. 40166 (July 2, 1998), 63 FR 37430 (July 10, 1998) (SR–CBOE–97–03).

[21] 15 U.S.C. 78s(b).

[22] 15 U.S.C. 78s(b)(2).

[23] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Amendment #1]

Declaration of Disaster #3318; State of Mississippi

In accordance with a notice received from the Federal Emergency Management Agency, dated February 27, 2001, the above-numbered Declaration is hereby amended to include Alcorn, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Grenada, Humphreys, Itawamba, Lafayette, Lee, Leflore, Madison, Monroe, Noxubee, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tippah, Tishomingo, Union, Washington, Webster, Winston, Yalobusha and Yazoo counties in the State of Mississippi as disaster areas due to damages caused by severe storms and tornadoes. This notice also amends the incident period for this disaster as beginning on February 16, 2001 and continuing.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Benton, Hinds, Issaquena, Kemper, Leake, Marshall, Montgomery, Neshoba, Rankin, Scott, Sharkey, Tate, Tunica and Warren in the State of Mississippi; Colbert, Franklin, Lauderdale, Marion, and Sumter Counties in the State of Alabama; Chicot, Desha and Phillips Counties in the State of Arkansas; East Carroll in the State of Louisiana; Hardeman, Hardin and McNairy Counties in the State of Tennessee. Any counties contiguous to the above named primary counties and

not listed here have been previously declared.

The economic injury disaster numbers are: 9K8800 for the State of Arkansas; 9K8900 for the State of Louisiana; and 9K9000 for the State of Tennessee.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 24, 2001 and for economic injury the deadline is November 23, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 1, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–5754 Filed 3–7–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Declaration of Disaster #3320; State of Washington

As a result of the President's major disaster declaration on March 1, 2001, I find that King, Kitsap, Lewis, Mason, Pierce and Thurston Counties constitute a disaster area due to damages caused by an earthquake on February 28, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 30, 2001, and for loans for economic injury until the close of business on November 30, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Washington may be filed until the specified date at the above location: Chelan, Cowlitz, Grays Harbor, Jefferson, Kittitas, Pacific, Skamania, Snohomish, Wahkiakum and Yakima.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.000
Homeowners Without Credit Available Elsewhere	3.500
Businesses With Credit Available Elsewhere	8.000
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 332002 and for economic injury the number is 9K9100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 2, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–5755 Filed 3–7–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3596]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Small Grants Competition Designed To Promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East

SUMMARY: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs announces a Small Grants Competition designed to promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals for exchanges and training programs that address women's leadership or disability issues in a single country in South America, Central America, the Caribbean, or the Arabian Peninsula states of the Middle East.

Announcement Title and Number

All communications with the Bureau concerning this Request for Grant Proposals (RFGP) should refer to the announcement title ''Small Grants Competition designed to promote Women's Leadership and Disability Issues in Latin America, the Caribbean and the Middle East'' and reference number ECA/PE/C–01–38.

Overview

The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs (ECA) announces a small grants competition for community-based nonprofit, nongovernmental organizations and institutions that conduct programs focusing on women's leadership and disability issues. ECA seeks organizations that are interested in developing grassroots training programs and international exchanges in Latin America, the Caribbean or the Middle East. Only U.S. organizations that *have not received prior funding* directly from ECA are eligible to submit proposals.

The goal of this initiative is to provide support for small organizations or local chapters of national groups to expand the scope of their work and build or strengthen linkages with partner organizations in other countries. Programs should be designed so that the exchanges will operate on two levels: (1) They should enhance institutional partnerships and improve institutional capacity of the partner organizations, and (2) they should offer training sessions that include practical information and useful materials to enable the partners to conduct further training sessions after the grant period is over.

Competitive proposals will be creative and innovative with a clear implementation plan and well-articulated expected outcomes. Proposals should indicate that the program ideas were jointly developed between the American and foreign organization(s). Applicants should identify the foreign partner organization(s) and individuals with whom they are proposing to collaborate. Background information on the partner organization(s), and resumes for all American and foreign staff members and consultants should be included in the proposal.

The exchanges and training should combine elements of skill enrichment, experiential learning and exposure to American life and culture. The experiences should also provide Americans the opportunity to learn about and experience the culture of the partner's country. This program is not academic in nature; programs should be designed to provide practical, hands-on experience.

Program components may include, but are not limited to, ''training of trainers (TOT),'' job shadowing, hands-on workshops, internships, educational campaigns, consultations and short-term training. Orientation sessions must be included in the program and cultural programming may include mutually beneficial experiences hosted by local institutions and home stays with community members. The programming may take place in the United States and/or the partner country. Programs should be designed so that the sharing of information that occurs during the grant period will continue after the grant period is over. Strong proposals will have a clear, convincing plan outlining exactly how the program components will be carried out and how permanent

results will be accomplished as a result of the grant. Proposals should be designed so that the majority of funding is directed toward participant program costs.

Organizations planning to submit a proposal must contact the program office for a consultation. Before calling, organizations should be ready to discuss a concrete concept specific to the guidelines supplied in this request for proposals.

For Latin America & the Caribbean, Laverne Johnson, *ljohnson@pd.state.gov,* (202) 619–5337.

For the Middle East/Arabian Peninsula states, James Ogul, *jogul@pd.state.gov,* (202) 205–0535.

Guidelines

To be considered for a grant award in this competition, the proposed training and exchange program must address one of the three themes listed below (Girls' Education, Women's NGO Development, or Disability Issues). ECA encourages potential grantees to be creative. The proposal narrative, excluding résumés and sample materials, should not exceed six (6) pages and should be double-spaced. Priority will be given to short (3 to 5 page) concise innovative proposals that are developed around the criteria outlined in the section called ''Review Criteria'' below. The budget should be contained on one page. Budget notes should be included as needed. The program start date should not be before June 1, 2001. Eligible countries are:

South America: Bolivia, Ecuador, Paraguay, Peru, Uruguay, Venezuela

Central America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama

Caribbean: The Bahamas, Barbados, Dominican Republic, Haiti, Jamaica, Trinidad

Middle East/Arabian Peninsula states: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, Yemen

Women's Issues

Girls' Education: The proposed program plan should focus on promoting and understanding the current and potential role of women and girls in society (i.e. education practices, community responsibility, cultural and political life, historical contributions); and providing training opportunities for young women educators and community leaders to develop skills in leadership, public awareness and conflict resolution. Emphasis will be on exchanges and training for grassroots educational and community leaders with current experience and active involvement with girls' education issues. Grant funds *may not* be used for student/youth exchanges.

Women's NGO Development: Proposals should focus on culturally sensitive organizational management for grassroots women's NGOs, identification of core issues, long term planning, steps for the development and implementation of programs, and effectiveness training. Thematic topics may include leadership training, awareness, PR/media strategies, networking, coalition building, conducting educational campaigns, fundraising, volunteerism and community responsibility, and women's social issues.

Disability Issues

Disability Exchanges: The proposed program should target disability NGOs and institutions, individuals involved in disability awareness and rights issues and disabled persons. Possible themes and activities include, *but are not limited to,* PR/media, awareness, educational campaigns, community involvement, leadership, dealing with challenges and overcoming barriers, professional/occupational training, skillbuilding, and NGO development/management. Exchanges and training program plans may either address a range of disability issues (for *example,* awareness, educational campaigns and PR/media), or may focus more deeply on one specific area. Plans addressing multiple topics should clearly explain how the chosen topics are complementary.

Selection of Participants

Proposals should include an open, merit-based participant selection process. A sample application may be submitted with the proposal. ECA and the U.S. Embassies retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. For exchanges to the U.S., priority must be given to foreign participants who have not previously traveled to the United States.

VISA Regulations

Foreign participants on programs sponsored by ECA are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations.

Project Funding

Funding available for the Small Grants Competition will be disbursed through grants to several organizations. Funding for each program is limited to $50,000. Priority will be given to grant proposals with budgets ranging from $15,000 to $40,000. Organizations should not submit a budget that exceeds $50,000 in costs to be paid by ECA, however the overall budget may exceed $50,000 through cost sharing by the U.S. and foreign partner organization(s). Approximately $250,000 has been allotted for this competition, but may be subject to change. ECA expects to announce the small grants awards recipients around late May 2001.

Budget Guidelines

Allowable costs include the following (see the Proposal Submission Instructions for sample budget line items and formatting instructions):

(1) General Program Expenses (i.e. consultants, room rental, and materials)

(2) Participant Program Expenses (i.e. international travel and per diem)

(3) Administrative Expenses (i.e. salaries, benefits, telephone/fax and indirect costs)

Review Process

In support of first-time applicants, the grant proposal, budget and review process has been modified for this competition. Proposals will be reviewed in two tiers. First, all proposals will be reviewed by a team of qualified staff from the Office of Citizen Exchanges and the respective Department of State regional bureaus. Second, the most competitive proposals will be forwarded to embassies overseas and to panels of State Department officers for formal advisory review. Non-finalists will be advised at this point in the process. Please follow the enclosed Request for Grant Proposal (RFGP) Proposal Submission Instructions (PSI). ECA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Final funding decisions will be made at the discretion of the Acting Assistant Secretary of State for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the ECA Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered.

1. Quality of Program Idea and Ability to Achieve Objectives: Program objectives should be clearly and precisely stated. Proposal objectives should respond to the priority topics in

this announcement and articulate the organization's ability to successfully carry out the objectives. U.S. and foreign staff and participant responsibilities should be outlined. A monthly timetable and schedule for the training session(s) should be included.

2. Cost Effectiveness and Cost Sharing: Administrative costs should be kept to a minimum. Proposals should maximize cost sharing through support and in-kind contributions from the U.S. and partner organization(s).

3. Program Evaluation: Proposals must include a plan and methodology to evaluate the program's successes, both as the activities unfold and at the program's conclusion. The evaluation plan should show a clear link between program objectives and expected outcomes and list performance indicators and measurement tools. A draft survey questionnaire may be attached to the proposal.

4. Support of Diversity: Proposals should demonstrate substantive support of the ECA's policy on diversity. Program content (orientation, evaluation, program sessions, resource materials, follow-on activities) and program administration (selection process, orientation, evaluation) should address diversity in a comprehensive and innovative manner. Applicants should refer to ECA's Diversity, Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

Diversity, Freedom and Democracy Guidelines

Pursuant to ECA's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' ECA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Deadline for Proposals

The U.S. Department of State, Bureau of Educational and Cultural Affairs must receive all copies by 5 p.m. Washington, D.C. time on Thursday, April 19, 2001. Faxed documents will not be accepted at any time. The mailroom closes at 5:00 p.m.; no late submissions will be accepted. Documents postmarked by April 19, 2001, but received at a later date, will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

To Download an Application Package Via the Internet

The entire Application Package may be downloaded from ECA's website at *http://exchanges.state.gov/education/rfps/.*

Submissions

Applicants must follow all instructions given in the Application Package. The applicant's original proposal and ten (10) copies should be sent to: U.S. Department of State, Ref.: ECA/PE/C/EUR–01–38, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in MSWord on a 3.5″ diskette. ECA will transmit these files electronically to the Public Affairs Sections of the U.S. Embassies for review. Once the RFP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

FOR FURTHER INFORMATION, CONTACT: By mail: United States Department of State, SA–44, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C), Room 220, Washington, DC 20547, Attn: Small Grants Competition 2001, By phone: (202) 205–2209; By e-mail: *smallgrants@pd.state.gov.*

Interested applicants may request the Application Package, which includes the Request for Proposals (RFP) and the Proposal Submission Instructions (PSI). Please specify ''Small Grants Competition'' on all inquiries and correspondence. All potential applicants should read the complete announcement before sending inquiries or submitting proposals.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau or program officers that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act (GPRA) of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: March 2, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5768 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3597]

Bureau of Educational and Cultural Affairs; Future Leaders Exchange (FLEX) Language and Culture Enhancement Program

NOTICE: Amendment to extend deadline.

SUMMARY: Due to an administrative error, the deadline for the Language and Culture Enhancement Program has been extended from March 29, 2001 to April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Interested organizations should contact Anna Mussman at (202) 619–5904 or (202) 619–5311 (fax).

The Language and Culture Enhancement Program was announced in the **Federal Register**, Volume 66, Number 36, page 11194, on February 22, 2001.

Dated: March 2, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–5769 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3584]

Fine Arts Committee; Notice of Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, March 31, 2001, at 11:00 a.m. in the Benjamin Franklin State Dinning Room. The meeting will last until approximately 12:30 p.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in October 2000 and the announcement of gifts of furnishings as well as financial contributions for calendar year 2000. Public access to Department of State is strictly controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by March 26, 2001, telephone (202) 647–1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: March 2, 2001.

Gail F. Serfaty,

Vice Chairman, Fine Arts Committee, U.S. Department of State.

[FR Doc. 01–5767 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–38–U

DEPARTMENT OF STATE

[Public Notice 3581]

Advisory Committee on International Communications and Information Policy; Meeting Notice

The Department of State is announcing the next meeting of its Advisory Committee on International Communications and Information Policy.

The Committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communication services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country interests.

There will be a featured guest speaker at the meeting who will speak on an important topic involving international communications and information policy.

This meeting will be held on Thursday, March 22, 2001, from 9:30 a.m.–12:30 p.m. in Room 1912 of the Main Building of the U.S. Department of State, located at 2201 ''C'' Street, NW., Washington, DC 20520.

Members of the public may attend these meetings up to the seating capacity of the room. While the meeting is open to the public, admittance to the State Department Building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, date of birth, and citizenship to Timothy C. Finton at <fintontc@state.gov> no later than noon on Wednesday, March 21. All attendees for this meeting must use the 21st Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID. Non-U.S. Government attendees must be escorted by State Department personnel at all times when in the State Department building.

For further information, contact Timothy C. Finton, Executive Secretary of the Committee, at (202) 647–5385 or <fintontc@state.gov>.

Dated: February 21, 2001.

Timothy C. Finton,

Executive Secretary of the Committee, U.S. Department of State.

[FR Doc. 01–5764 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF STATE

[Public Notice 3582]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy, reauthorized pursuant to P.L. 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000), will meet on Tuesday, March 13, 2001, in Room 600, 301 4th St., SW., Washington, DC from 9:30 a.m. to 12:00 Noon.

The Commission will discuss FSI training programs on public diplomacy, public diplomacy in the Far East, and the Smith-Mundt Act.

Members of the general public may attend the meeting, though attendance of public members will be limited to the seating available. Access to the building is controlled, and individual building passes are required for all attendees. Persons who plan to attend should contact David J. Kramer, Executive Director, at (202) 619–4463.

Dated: February 22, 2001.

David J. Kramer,

Executive Director, U.S. Advisory Commission on Public Diplomacy, U.S. Department of State.

[FR Doc. 01–5765 Filed 3–2–01; 8:45 am]

BILLING CODE 4710–11–U

DEPARTMENT OF STATE

[Public Notice 3548]

Shipping Coordinating Committee; United Nations Educational, Scientific and Cultural Organization Draft Convention on Underwater Cultural Heritage; Notice of Meeting

The Shipping Coordinating Committee will hold a meeting on March 14, 2001 from 2:00 pm to 5:00 pm to obtain public comment on issues to be addressed at the March 26–April 6, 2001 United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting of governmental experts on the draft Convention on Underwater Cultural Heritage.

The meeting will be held in the Department of State located at 2201 C Street, NW., Washington, DC 20520, Room 1207. Interested members of the public are invited to attend, up to the capacity of the room. To expedite entry into the Department of State, please provide your name, social security number, and date of birth to Yvonne Seward (202) 647–3262, at least one week prior to the meeting. To enter the building you must present a photo ID, such as a driving license or passport. Please use the entrance to the Department of State on C Street.

For further information, please contact Mr. Harlan Cohen, Office of Oceans Affairs, telephone (202) 647–0237.

Dated: February 15, 2001.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 01–5763 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–07–U

DEPARTMENT OF STATE

[Public Notice 3583]

Shipping Coordinating Committee, Subcommittee for the Prevention of Marine Pollution; Notice of Meeting

The Subcommittee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting at 9:30 a.m. on Tuesday, April 17, 2001, in Room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting will be to review the agenda items to be considered at the forty-sixth Session of the International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC 46) to be held at the IMO headquarters in London from 23 through 27 April 2001. Proposed U.S. positions on the agenda items for MEPC 46 will be discussed. The major items for discussion for MEPC 46 include the following:

a. Consideration and adoption of amendments to mandatory instruments;

b. Harmful aquatic organisms in ballast water;

c. Implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention) and the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (OPRC–HNS Protocol);

d. Harmful effects of the use of anti-fouling paints for ships;

e. Identification and protection of Special Areas and Particularly Sensitive Sea Areas;

f. Recycling of ships;

g. Interpretation and amendments of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and related Codes;

h. Inadequacy of reception facilities;

i. Prevention of air pollution from ships;

j. Promotion of implementation and enforcement of MARPOL 73/78 and related Codes;

k. Preparation for the World Summit on Sustainable Development (RIO+10);

l. Matters related to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fule, Plutonium and High-Level Radioactive Wastes on board ships (INF Code);

m. The role of human element with regard to pollution prevention; and

n. Matters related to the 1973 Intervention Protocol.

Please note that hard copies of documents associated with MEPC 46 will not be available at this meeting. Requests for hard copies may be made in writing to the address provided below. Documents will be available in Adobe Acrobat format on CD–ROM on the day of the meeting or can be requested on-line at the web address provided below.

Members of the public are invited to attend the meeting up to the seating capacity of the room. For further information, or to submit views in advance of the meeting, please contact Lieutenant Dave Beck, U.S. Coast Guard, Environmental Standards Division (G–MSO–4), 2100 Second Street, SW., Washington, DC 20593–0001; telephone (202) 267–0713; fax (202) 267–4690, e-mail dbeck@comdt.uscg.mil; or on-line at http://www.uscg.mil/hq/g-m/mso/mso4/mepc.html.

Dated: February 28, 2001.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 01–5766 Filed 3–7–01; 8:45 am]

BILLING CODE 4710–07–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee on Small and Minority Business (ISAC–14)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Meeting.

SUMMARY: The Industry Sector Advisory Committee on Small and Minority Business (ISAC–14) will hold a meeting on March 19, 2001, from 9:15 a.m. to 3:00 p.m. The meeting will be opened to the public from 9:00 a.m. to 3:00 p.m.

DATES: The meeting is scheduled for March 19, 2001, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce, Conference Room 3407, located at 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Millie Sjoberg or Pam Wilbur (202) 482–4792 Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (principal contact), or myself on (202) 395–6120.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following topics will be covered:

- Discussion with USTR on SME trade policy issues;
- Discussion on Dispute Resolution;
- Discussion on trade with Africa; and
- Committee business.

Christina Sevilla,

Acting Assistant United States Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 01–5757 Filed 3–7–01; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. NAFTA/Ch20]

NAFTA Consultations Regarding Mexico—Allocation of Tariff-Rate Quota on Dry Beans

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representatives (USTR) is providing notice that on November 30, 2000, the United States requested consultations with Mexico under Chapter 20 of the North American Free Trade Agreement (NAFTA), regarding Mexico's allocation of the duty-free tariff rate quota (TRQ) for certain dry beans from the United States. The Schedule of Mexico set forth in Annex 302.2 of the NAFTA requires Mexico to provide a duty-free TRQ for certain dry beans (tariff item 0713.33.02) from the United States. Mexico did not allocate the 1999 or 2000 dry bean TRQs for the United States in a timely manner, effectively denying U.S. exporters the full market access to which they are entitled. These actions appear to be inconsistent with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of these dispute settlement proceedings, comments should be submitted on or before April 6, 2001 to be assured of timely consideration by USTR.

ADDRESSES: Comments may be submitted to Leah Mayo, Monitoring and Enforcement Unit, Office of the General Counsel, Room 222, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, Attn: Mexico Dry Beans NAFTA Dispute. Telephone: (202) 395–3582.

FOR FURTHER INFORMATION CONTACT: Juan A. Millán, Assistant General Counsel, Office of the United States Trade Representative, 600, 17th Street, NW., Washington, DC, (202) 395–3581.

SUPPLEMENTARY INFORMATION: Chapter 20 of the NAFTA establishes dispute

settlement procedures to resolve disputes over any matter affecting the operation of the Agreement. Chapter 20 calls for three stages of efforts to resolve a dispute: Consultations by the parties, a meeting of the NAFTA Free Trade Commission, and, finally, arbitration before a panel. An arbitral panel formed under the Chapter 20 procedures would be expected to render its final report within five to six months after the request to establish the panel is filed.

Major Issues Raised by the United States

The United States considers that Mexico's allocation of the duty-free tariff rate quota (TRQ) for certain dry beans (tariff item 0713.33.02) from the United States fails to comply with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA. The Schedule of Mexico set forth in Annex 302.2 requires Mexico to provide a duty-free TRQ for certain dry beans from the United States. The annual quantity of the duty-free TRQ is specified in footnote 29 of its Annex 302.2 Schedule. Article 302(4) of the NAFTA permits a Party ''to allocate in-quota imports made pursuant to a tariff rate quota set out in Annex 302.2, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff rate quota.'' In both 1999 and 2000, Mexico did not allocate the dry bean TRQs for the United States in a timely manner, effectively denying U.S. exporters the full market access to which they are entitled under the TRQ. The United States believes these actions are inconsistent with Mexico's obligations under Article 302 and Annex 302.2 of the NAFTA.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A persons requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the comments. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; and, if an arbitral panel is convened, the U.S. submissions to that panel and the final report of the panel. An appointment to review the public file (Docket NAFTA/Ch20, Mexico—Allocation of Tariff-Rate Quota on Dry Beans) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 01–5631 Filed 3–7–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements filed during the week ending February 23, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–8955.

Date Filed: February 22, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC23 EUR–SASC 0075 dated February 2, 2001, TC23 Europe-South Asian Subcontinent, Resolutions r1–r15, Minutes—PTC23 EUR–SASC 0076 dated February 2, 2001, Tables—PTC23 EUR–SASC Fares 0024 dated February 2, 2001, Intended effective date: April 1, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5750 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 16, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1995–370.

Date Filed: February 12, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 5, 2001.

Description: Application of United Air Lines, Inc., pursuant to 49 U.S.C. 41101, 14 CFR Parts 201 and 302, subpart B, applies for renewal of its certificate of public convenience and necessity for Route 703, which authorizes United to engage in scheduled foreign air transportation of persons, property and mail between the terminal point Miami, Florida, and the terminal point Lima, Peru.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5749 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Workshop; Air Traffic Control Airspace and Procedures Revisions for Anchorage Terminal Area, Anchorage, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public workshop.

SUMMARY: The FAA intends to hold an informal airspace workshop to solicit comments regarding operational and environmental concerns from airspace users and others concerning traffic flows for aircraft operating to, from, and in the vicinity of Ted Stevens Anchorage International Airport, Lake Hood Seaplane Base, Merrill Field, Elmendorf AFB, and various non-towered airports in the Anchorage area. The purpose of this workshop is to (1) provide interested parties an opportunity to comment on proposed revisions to Visual Flight Rules (VFR) routes/corridors in the Anchorage area and (2) gather input for consideration in the development of revised air traffic control procedures to accommodate the increase in aircraft operations and improve aviation safety in the airspace surrounding Anchorage, Alaska. Alternatives developed as a result of this and other meetings may involve changes to existing regulatory airspace.

Date/Time: The workshop will from 5:30 PM to 9:30 PM, Tuesday, April 17, 2001.

Place: Multi-Purpose Room, Spenard Community Recreation Center, 2020 West 48th Avenue, Anchorage, Alaska.

Public Comments: The FAA actively solicits public comments. Comments may be presented at the workshop or submitted afterwards via letter, fax, or email. Comments should be received on or before May 18, 2001 to be included as part of the workshop.

FOR FURTHER INFORMATION CONTACT: Jack Schommer, Operations Branch, AAL–532, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5903; fax: (907) 271–2850; email: *jack.schommer@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.* The Spenard Community Recreation Center telephone number is (907) 343–4160.

SUPPLEMENTARY INFORMATION:

History and Background

Aircraft operations in the Anchorage area have increased 21% for the period from January 1, 1996, to December 31, 2000, and are projected to increase at an approximate rate of 5% annually through the year 2020. Changes to existing air traffic routes and air traffic control procedures used in the Anchorage area are necessary in order to continue to provide safe and efficient air traffic control service to airspace users.

Workshop Agenda

This workshop is intended to be the first in a series of meetings designed to involve the community in our decision making process. The workshop will be set up in an open house fashion with multiple stations attended by FAA representatives. These stations are intended to provide information and collect comments in two specific areas.

1. The FAA proposes to make changes to the current VFR route structure and is seeking comments from the user community and general public concerning operational and environmental impacts of the proposal.

2. The FAA recognizes the need to change IFR and VFR traffic flows and procedures to accommodate the increases in air traffic operations within the Anchorage area and is seeking comments regarding operational and environmental concerns from interested parties that can be used in the formulation of potential alternatives.

Workshop Procedures

(a) The workshop will be informal in nature and will be conducted by representatives of the FAA Alaskan Region.

(b) The workshop will be open to all persons on a space-available basis. Every effort was made to provide a workshop site with sufficient capacity for expected participation. There will be no admission fee nor other charges to attend and participate.

(c) Representatives of Ted Stevens Anchorage International Airport Traffic Control Tower, Merrill Field Airport Traffic Control Tower, Anchorage Terminal Radar Approach Control and Anchorage Air Route Traffic Control Center will be present to discuss procedural concepts. FAA Air Traffic Division representatives will be present to discuss environmental concerns.

(d) Any person who wishes to submit a position paper to FAA representatives pertinent to the revision of ATC airspace or procedures may do so.

(e) The workshop will not be formally recorded. However, informal tape recordings may be made to ensure that each respondent's comments are noted accurately.

(f) An official verbatim transcript or minutes of the informal airspace workshop will not be made. However, a list of the attendees, written statements received from attendees during and after the workshop and a digest of discussions during the workshop will be included in the administrative record for the project.

(g) Every reasonable effort will be made to hear the concerns of interested persons consistent with a reasonable closing time for the workshop.

Issued in Anchorage, AK, on February 28, 2001.

Stephen P. Creamer,

Assistant Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 01–5605 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development (R,E&D) Advisory Committee, Aerospace Transportation Advisory Group (ATAG); Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Aerospace Transportation Advisory Group (ATAG), which is a Subcommittee of the FAA Research, Engineering and Development (R,E&D) Advisory Committee. The meeting will be held on March 12, 2001 at the DoubleTree Hotel San Francisco Airport, 835 Airport Boulevard, Burlingame, California. The meeting will begin at 1:00 p.m. and end at 5:00 p.m.

The meeting agenda will review the draft outline for an Aerospace System After Next Paper.

Persons wishing to attend the meeting or obtain information should contact Lee Olson at the Federal Aviation Administration, AAR–200, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267–7358.

Issued in Washington, DC on March 1, 2001.

Mary Powers-King,

Deputy Director, Office of Aviation Research.

[FR Doc. 01–5837 Filed 3–6–01; 1:31 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to impose and use the revenue from a Passenger Facility Charge (PFC) at Reno/Tahoe International Airport, Reno, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Reno/Tahoe International Airport under the

provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before April 9, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Christopher Horton, Manager of Finance, Airport Authority of Washoe County, Airport Department, at the following address: P.O. Box 12490, Reno, NV 89510. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Airport Authority of Washoe County under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervlde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Reno/Tahoe International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 26, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport Authority of Washoe County was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 1, 2001. The following is a brief overview of the impose and use application No. 01–04–C–00–RNO:

Level of proposed PFC: $4.50.

Proposed charge effective date: August 1, 2001.

Proposed charge expiration date: August 1, 2003.

Total estimated PFC revenue: $23,535,063.

Brief description of the proposed impose and use projects: Letter of intent Entitlement Grant Shortfall Due to Implementatiuon of PFC, Environmental Assessment for Southwest Air Cargo Facility, Ramp Scrubber, Taxiway A North Reconstruction, Part 150 Study Update, Terminal Building Security System, and Eight Jet Bridges.

Impose only projects: Southern Portion of Southwest Air Cargo Ramp, and Southwest Air Cargo Facility Road and Utilities.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Airport Authority of Washoe County.

Issued in Hawthrone, California, on February 26, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01–5604 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Putnam and Jackson Counties, Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Putnam and Jackson Counties near Cookeville, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Doctor, Field Operations Team Leader, Federal Highway Administration, 640 Grassmere Park Suite 112, Nashville, Tennessee 37211, Telephone: (615) 781–5788.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane divided highway on new location from State Route 111 to State Route 56, a distance of about 14.5 kilometers (9 miles). The proposed project is part of Corridor ''J'' of the Appalachian Development Highway System.

Alternatives to be considered are: (1) Taking no action; (2) to build alternatives with the same design concept; and (3) other alternatives that may arise from public and agency input. Incorporated into and studied with the build alternatives will be design variations of grade and alignment.

Initial coordination letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A public hearing will be held upon completion of the Draft EIS and public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: February 27, 2001.

Charles S. Boyd,

Tennessee Division Administrator, Nashville.

[FR Doc. 01–5635 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Prevention of Prohibited Drug Use in Transit Operations; Prevention of Alcohol Misuse in Transit Operations

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of random drug and alcohol testing rates.

SUMMARY: This notice announces the random testing rates for employers subject to the Federal Transit

Administration's (FTA) drug and alcohol rules.

EFFECTIVE DATE: March 8, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Snider, Drug and Alcohol Program Manager for the Office of Safety and Security, (202) 366–2896 (telephone) and (202) 366–7951 (fax). Electronic access to this and other documents concerning FTA's drug and alcohol testing rules may be obtained through the FTA World Wide Web home page at http://www.fta.dot.gov.

SUPPLEMENTARY INFORMATION: The FTA required large transit employers to begin drug and alcohol testing employees performing safety-sensitive functions on January 1, 1995, and to report, annually by March 15 of each year beginning in 1996, the number of such employees who had a verified positive for the use of prohibited drugs, and the number of such employees who tested positive for the misuse of alcohol. Small employers commenced their FTA-required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997. Employers are required annually to submit other data, not relevant here, in the same report; these data are available from the FTA as discussed below.

The 1994 rules established a random testing rate for prohibited drugs and the misuse of alcohol; specifically, the rules require that employers conduct random drug tests at a rate equivalent to at least 50 percent of their total number of safety-sensitive employees for prohibited drug use and at least 25 percent of the misuse of alcohol. The rules provide that the drug random testing rate may be lowered to 25 percent if the ''positive rate'' for the entire transit industry is less than one percent for two consecutive years. Once lowered, it may be raised to 50 percent if the positive rate equals or exceeds one percent for any one year (''Positive rate'' means the number of positive results for random drug tests conducted under part 653 plus the number of refusals of random tests required by part 653, divided by the total number of random drug tests, plus the number of refusals of random tests required by part 653.)

The alcohol rule provides that the random rate may be lowered to 10 percent if the ''violation rate'' for the entire transit industry is less than .5 percent for two consecutive years. It will remain at 25 percent if the ''violation rate'' is equal to or greater than .5 percent but less than one percent, and it will be raised to 50 percent if the ''violation rate'' is one percent or greater for any one year. (''Violation rate'' means the number of covered employees found during random tests given under part 654 to have an alcohol concentration of .04 or greater, plus the number of employees who refuse a random test required by part 654, divided by the total reported number of random alcohol tests conducted under part 654, plus the total number of refusals of random tests, required by part 654.)

FTA has received and analyzed the 1999 data from large and small transit employers. The ''positive rate'' for random drug tests was 1.004 percent and the ''violation rate'' for random alcohol tests was 0.18 percent; therefore, for 2001, transit employers will continue to be required to conduct random drug tests at a rate equivalent to at least 50 percent of the total number of their ''safety-sensitive'' employees for prohibited drugs. In 2000, the FTA retained the random alcohol testing rate at 10 percent. Because the random alcohol violation rate was lower than .5 percent for two consecutive years (0.22 percent for 1998 and 0.18 for 1999), the random alcohol testing rate will remain at 10 percent for 2001.

FTA will be publishing a detailed report on the 1999 data collected from large and small employers. This report may be obtained from the Office of Safety and Security, Federal Transit Administration, 400 Seventh Street, SW., Room 9301, Washington, DC 20590, (202) 366–2896.

Dated: March 2, 2001.

Hiram J. Walker,

Acting Deputy Administrator.

[FR Doc. 01–5677 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion data for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reasons for Delay''

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of exemption applications.

Meaning of Application Number Suffixes

N—New application
M—Modification request
PM—Party to application with modification request

Issued in Washington, DC, on March 5, 2001.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTION APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
11862–N	The BOC Group, Murray Hill, NJ	4	03/30/2001
11927–N	Alaska Marine Lines, Inc., Seattle, WA	4	03/30/2001
12142–N	Aristech Chemical Corp., Pittsburgh, PA	4	03/30/2001
12158–N	Hickson Corporation, Conley, GA	4	03/30/2001
12181–N	Aristech, Pittsburgh, PA	4	03/30/2001
12248–N	Ciba Specialty Chemicals Corp., High Point, NC	1, 4	04/30/2001
12290–N	Savage Industries, Inc., Pottstown, PA	4	03/30/2001

NEW EXEMPTION APPLICATIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
12339–N	BOC Gases, Murray Hill, NJ	4	03/30/2001
12353–N	Monson Companies, South Portland, ME	4	04/30/2001
12355–N	Union Tank Car Company, East Chicago, IN	4	03/30/2001
12381–N	Ideal Chemical & Supply Co., Memphis, TN	4	04/30/2001
12406–N	Occidental Chemical Corporation, Dallas, TX	4	03/30/2001
12412–N	Great Western Chemical Company, Portland, OR	4	03/30/2001
12422–N	Connecticut Yankee Atomic Power Co., East Hampton, CT	1, 4	04/30/2001
12434–N	Salmon Air, Salmon, ID	4	03/30/2001
12440–N	Luxfer Inc., Riverside, CA	4	04/30/2001
12454–N	Ethyl Corp., Richmond, VA	4	04/30/2001
12456–N	Baker Hughes, Houston, TX	4	04/30/2001
12469–N	Department of Energy, Germantown, MD	4	03/30/2001
12476–N	Fisher-Rosemount Petroleum, Tulsa, OK	4	04/30/2001
12479–N	Luxfer Gas Cylinders, Riverside, CA	4	03/30/2001
12495–N	South Carolina Electric & Gas Co., Jenkinsville, SC	4	04/30/2001
12497–N	Henderson International Technologies, Inc., Richardson, TX	4	04/30/2001
12515–N	FIBA Technologies, Inc., Westboro, MA	4	03/30/2001
12516–N	Poly-Coat Systems, Inc., Houston, TX	4	04/30/2001

MODIFICATIONS TO EXEMPTIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
7060–M	Federal Express, Memphis, TN	4	04/30/2001
8013–M	Praxair, Inc., Danbury, CT	4	03/30/2001
8086–M	The Boeing Co (Mil Aircraft & Missiles Sys Group), Seattle, WA	4	03/30/2001
8308–M	Tradewind Enterprises, Inc., Hillsboro, OR	4	04/30/2001
8554–M	Orica USA Inc., Englewood, CO	4	04/30/2001
8698–M	Taylor-Wharton Gas Equipment (Div of Harsco Corp), Theodore, AL	1	03/30/2001
9048–M	Sulton Group—Div. of Daniel/Brooks Petroleum Opns, Tulsa, OK	4	04/30/2001
10656–M	Conf. of Radiation Control Program Directors, Inc., Frankfort, KY	4	04/30/2001
10672–M	Burlington Packaging, Inc., Brooklyn, NY	4	04/30/2001
11316–M	TRW Automotive, Queen Creek, AZ	4	04/30/2001
11537–M	JCI Jones Chemicals, Inc., Milford, VA	4	04/30/2001
11769–M	Great Western Chemical Company, Portland, OR	4	04/30/2001
11769–M	Great Western Chemical Company, Portland, OR	4	04/30/2001
11769–M	Hydrite Chemical Company, Brookfield, WI	4	04/30/2001
11798–M	Air Products and Chemicals, Inc., Allentown, PA	4	03/30/2001
11798–M	Anderson Development Company, Adrian, MI	4	04/30/2001
11911–M	Transfer Flow, Inc., Chico, CA	4	04/30/2001
12130–M	FIBA Technologies, Inc., Westboro, MA	4	03/30/2001
12178–M	STC Technologies, Inc., Bethlehen, PA	1	04/30/2001

[FR Doc. 01–5751 Filed 3–7–01; 8:45 am]

BILLING CODE 4910–60–M

UNITED STATES INSTITUTE OF PEACE

Sunshine Act, Notice of Meeting

DATE/TIME: Thursday, March 22, 2001, 9 a.m.–5:30 p.m.

LOCATION: 1200 17th Street, NW., Suite 200, Washington, DC 20036

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institutes of Peace Act, Public Law 98–525.

AGENDA: March 2001 Board Meeting; Approval of Minutes of the Ninety-Eighth Meeting (January 18, 2001) of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Consideration of fellowship applications and individual Grants; Other General Issues

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: March 4, 2001.

Charles E. Nelson,

Vice President for Management and Finance, United States Institute of Peace.

[FR Doc. 01–5866 Filed 3–6–01; 2:04 pm]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether an eligible person who is enrolled in a program at one school is entitled to receive education benefits for enrollment at a second school.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 7, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to: *nancy.kessinger, VBAVACO@mail.va.gov.* Please refer to ''OMB Control No. 2900–0118'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Extension of a currently approved collection.

Abstract: When a student receiving VA education benefits is enrolled at two training institutions, the institution at which the student pursues his or her approved program of education must verify that courses pursued at a second or supplemental institution will be accepted at full credit toward the student's course objective. Educational payment for courses pursued at the second institution are not payable unless evidence is received to verify that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 serves as this certification of acceptance.

Affected Public: Not-for-profit institutions and State, Local or Tribal Government.

Estimated Annual Burden: 3,433 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Occasion.

Estimated Number of Respondents: 20,600.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5650 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0342]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to ensure that an individual meets the statutory requirements to enter an on the job training program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 7, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to: *nancy.kessinger@mail.va.gov.* Please refer to ''OMB Control No. 2900–0342'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864.

b. Employer's Application To Provide Job Training, VA Form 22–8865.

OMB Control Number: 2900–0342.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses the information on VA Form 22–8864 to ensure that a trainee is entering an approved training program. VA Form 22–8865 is used to ensure that training programs and agreements meet statutory requirements for approval of an employer's job training program.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Annual Burden: 450 hours.

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—225 hours.

b. Employer's Application To Provide Job Training, VA Form 22–8865—225 hours.

Estimated Average Burden Per Respondent:

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—30 minutes.

b. Employer's Application To Provide Job Training, VA Form 22–8865—90 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 600.

a. Other On-The-Job Training And Apprenticeship Training Agreement And Standards, VA Form 22–8864—450 Respondents.

b. Employer's Application To Provide Job Training, VA Form 22–8865—150 Respondents.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5651 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection Activities Under OMB Review

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, (44 U.S.C., 3501 *et seq.*), this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0222.''

SUPPLEMENTARY INFORMATION:

Title: Application for Standard Government Headstone or Marker for Installation in a Private or State Veterans' Cemetery, VA Form 40–1330.

OMB Control Number: 2900–0222.

Type of Review: Reinstatement, without change, of a currently approved collection for which approval has expired.

Abstract: The form is used by the next of kin or other responsible parties to apply for Government-provided headstones or markers for unmarked graves of eligible veterans. The information is used by VA to determine the veteran's eligibility for and entitlement to this benefit.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 28, 2000, at pages 70877 and 70878.

Affected Public: Individuals or households and State, Local or Tribal Government.

Estimated Annual Burden: 83,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 334,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0222'' in any correspondence.

Dated: February 27, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–5649 Filed 3–7–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
March 8, 2001

Part II

Department of Commerce

Bureau of the Census

Report of Tabulations of Population to States and Localities Pursuant to Title 13 U.S.C., Section 141(c), and Availability of Other Population Information; the Executive Steering Committee for Accuracy and Coverage Evaluation Policy (ESCAP) Report; and the Census Bureau Director's Recommendation; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

Report of Tabulations of Population to States and Localities Pursuant to Title 13 U.S.C., Section 141(c), and Availability of Other Population Information; the Executive Steering Committee for Accuracy and Coverage Evaluation Policy (ESCAP) Report; and the Census Bureau Director's Recommendation

AGENCY: Bureau of the Census.

ACTION: Notice of recommendation and report.

SUMMARY: This notice provides the United States Census Bureau (Census Bureau) Director's recommendation on methodology and the Executive Steering Committee on Accuracy and Coverage Evaluation (A.C.E.) Policy (ESCAP) report analyzing the methodologies that may be used in making the tabulations of population reported to states and localities pursuant to Title 13 U.S.C., Section 141(c), and the factors relevant to the possible choices of methodology. Concurrent with this notice to the public, the Census Bureau Director's recommendation and the ESCAP report have been delivered to the Secretary of Commerce. The recommendation and the report are attached as exhibits to the **SUPPLEMENTARY INFORMATION** section of this notice. In addition to publication in the **Federal Register**, the recommendation and the report will be posted on the Census Bureau Web site at <*http://www.census.gov/dmd/www/2khome.htm*>.

FOR FURTHER INFORMATION CONTACT: John H. Thompson, Associate Director for Decennial Census, U.S. Census Bureau, SFC–2, Room 2018, Washington, DC 20233. Telephone: (301) 457–3946; fax: (301) 457–3024.

SUPPLEMENTARY INFORMATION:

Background Information

The decennial census is mandated by the United States Constitution (Article I, Section 2, Clause 3) to provide the population counts needed to apportion the seats in the United States House of Representatives among the states. By December 28, 2000, the Census Bureau fulfilled its Constitutional duty by delivering to the Secretary of Commerce the state population totals used for congressional apportionment. In accordance with the January 25, 1999, Supreme Court ruling, *Department of Commerce* v. *House of Representatives*, 119 S.Ct. 765 (1999), the Census Bureau did not use statistical sampling to produce the state population totals used for congressional apportionment.

However, the Census Bureau did consider the use of statistical methods to produce the more detailed data required for legislative redistricting. The Census Bureau designed the A.C.E. to permit correction of the initial census results to account for systematic patterns of net undercount and net overcount. The Census Bureau preliminarily determined that the A.C.E., if properly conducted, should produce more accurate census data by improving coverage and reducing differential undercounts. A senior-level committee, the Executive Steering Committee for A.C.E. Policy (ESCAP), was formed to evaluate whether the data produced in Census 2000 support this initial determination. The ESCAP used analysis from reports on topics chosen for their usefulness in informing the decision on the suitability of using the A.C.E. data for legislative redistricting. The Committee also drew upon work from other Census Bureau staff, as appropriate.

As required by final rule, Title 15, Code of Federal Regulations, Part 101, issued by the Secretary of Commerce (66 FR 11232, February 23, 2001), the ESCAP has submitted its report (attached below), accompanied by the recommendation of the Director of the Census Bureau to the Secretary of Commerce. The Secretary will make the final determination regarding the methodology to be used in calculating the tabulations of population reported to states and localities for legislative redistricting. By April 1, 2001, the Census Bureau must provide these tabulations, as required by Public Law 94–171, to each state so that they can redraw congressional, state, and local legislative districts.

Dated: March 1, 2001.

William G. Barron, Jr.,

Acting Director, Bureau of the Census.

Attachment 1 to Preamble

March 1, 2001

Memorandum for Donald L. Evans, Secretary of Commerce

From: William G. Barron, Jr., Acting Director

Subject: Recommendation on Adjustment of Census Counts

I am forwarding the report of the Executive Steering Committee for A.C.E. Policy (ESCAP) on whether the Accuracy and Coverage Evaluation (A.C.E.) should be used to adjust the Census 2000 counts. I asked the ESCAP to provide a recommendation in its report because I rely on the knowledge, experience, and technical expertise of the Committee and Census Bureau staff who have worked extremely hard with tremendous dedication and expertise through every phase of Census 2000.

As a member of the ESCAP and as Acting Director, I concur with and approve the Committee's recommendation that unadjusted census data be released as the Census Bureau's official redistricting data. The law requires that the Census Bureau issue data for use in redistricting by April 1, 2001 (13 U.S.C. 141(c)). The Committee reached this recommendation because it is unable, based on the data and other information currently available, to conclude that the adjusted data are more accurate for use in redistricting. The primary reason for arriving at this conclusion is the apparent inconsistency in population growth over the decade as estimated by the A.C.E. and demographic analysis. These differences cannot be resolved in the time available for the Committee's work. The importance of completing this type of analysis has been emphasized clearly and explicitly in the Census Bureau's public presentations outlining the scope, intent, and purpose of ESCAP deliberations. For example, the June 2000 Feasibility Document contained various references to the importance of demographic analysis and demographic estimates as key components of data and analysis to inform the ESCAP recommendation. This point was reinforced in materials the Census Bureau presented on October 2, 2000, at a public workshop sponsored by the National Academy of Sciences. The inconsistency raises the possibility of an unidentified error in the A.C.E. estimates or Census 2000. This possibility cannot be eliminated by the legally mandated deadline.

I believe the attached report and this cover memo meet the requirements set forth in regulation 66 Fed. Reg. 11231 (February 23, 2001), ''Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority.''

Please let me know if I can provide you with additional information on these matters.

Attachment 2 to Preamble

Report of the Executive Steering Committee for Accuracy and Coverage Evaluation Policy

Recommendation Concerning the Methodology to be Used in Producing the Tabulations of Population Reported to States and Localities Pursuant to 13 U.S.C. 141(c), March 1, 2001

Recommendation

The Executive Steering Committee for A.C.E. Policy (ESCAP) is unable to conclude, based on the information available at this time, that the adjusted Census 2000 data are more accurate for redistricting. Accordingly, ESCAP recommends that the unadjusted census data be released as the Census Bureau's official redistricting data.

The Census Bureau publicly set forth the criteria it would use to evaluate the success of the Accuracy and Coverage Evaluation (A.C.E.), stating that the adjustment decision would be based on: (1) a consideration of operational data to validate the successful conduct of the A.C.E.; (2) whether the A.C.E. measures of undercount were consistent with historical patterns of undercount and independent demographic analysis benchmarks; and (3) a review of quality measures.

The ESCAP spent many weeks examining voluminous evidence, and has debated at great length whether adjustment based on the A.C.E. would improve Census 2000 data for use in redistricting. As described in the following Report, the Committee considered a wide variety of evidence relating to the accuracy of Census 2000 and the A.C.E. After careful consideration of the data, the Committee has concluded that there is considerable evidence to support the use of adjusted data, and that Census 2000 and A.C.E. operations were well designed and conducted. However, demographic analysis comparisons, and possible issues related to synthetic and balancing error, preclude a determination at this time that the adjusted data are more accurate.

As described in detail in the Report, demographic analysis indicates fundamental differences with the A.C.E. In particular, demographic analysis estimates are significantly lower than the A.C.E. estimates for important population groups. The Committee investigated this inconsistency extensively, but in the time available could not adequately explain the result.

The inconsistency between the A.C.E. and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously un-enumerated population.

2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.

3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology, scenario 3, above. The Census Bureau must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy. Similarly, concerns with synthetic and balancing error must be more fully investigated and addressed.

The ESCAP's recommendation to use the unadjusted data was a difficult one. The Committee conducted a number of analyses directed at understanding the inconsistency with demographic analysis and the synthetic and balancing error issues, but could not find a complete explanation in the time available. The Committee believes it likely that further research may establish that adjustment based on the A.C.E. would result in improved accuracy. However, the uncertainty due to these concerns is too large at this time to allow for a recommendation to adjust. The Committee believes that further research will verify that Census 2000 improved on the coverage levels of past censuses, but that the unadjusted census totals will still reflect a net national undercount. The Committee further believes the evidence will confirm that the differential undercount (the lower than average coverage of minorities, renters, and children) was reduced, but not eliminated, in Census 2000.

The ESCAP finds that both the census and the A.C.E. were efficient and effective operations that produced high quality data. The Committee is proud of the Census Bureau's design work on both the census and the A.C.E. and believes that both produced measurably better results. The high quality of the census has made the adjustment decision more difficult than in 1990. The closeness of the A.C.E. and the census heightens the concern that an undiscovered problem with Census 2000 or the A.C.E. will result in a decrease in accuracy from adjustment. Today's recommendation is, however, in no way a reflection of weaknesses in data quality or in the quality of staff work.

The ESCAP makes this recommendation in light of the information now available. Additional evaluations, research, and analysis may allow the Census Bureau to resolve the noted concerns. The Census Bureau will continue to investigate these issues and will make the results of this research available, as is consistent with the Bureau's long-standing policy of openness.

Executive Summary

The ESCAP cannot recommend adjustment at this time. The Executive Steering Committee for Accuracy and Coverage Evaluation (A.C.E.) Policy (ESCAP) is required by regulation to prepare a written report analyzing the methodologies and factors involved in the adjustment decision. The Acting Director of the Census Bureau asked the ESCAP to include a recommendation in its Report. The ESCAP spent many weeks examining voluminous evidence, and has debated at great length whether adjustment would improve Census 2000 data for use in redistricting. After having evaluated a wide variety of evidence relating to the accuracy of Census 2000, and developed an extensive record of its deliberations, the ESCAP is unable to conclude, based on the information available at this time, that the adjusted Census 2000 data are more accurate for redistricting.

While the majority of the evidence indicates both the continued existence of a differential undercount of the population and the superior accuracy of the adjusted numbers, the ESCAP has concerns. There is a significant inconsistency between the A.C.E. estimates and demographic analysis estimates. Additionally, possible synthetic and balancing errors may affect the accuracy of the adjusted numbers. Until these concerns are more fully investigated and addressed, the ESCAP cannot recommend using adjustment. Accordingly, ESCAP has recommended that unadjusted census data be released as the Census Bureau's official redistricting data.

The ESCAP makes this recommendation in light of the information now available. Additional evaluations, research, and analysis may alleviate these concerns and support the evidence that indicates the superior accuracy of the adjusted data. Accordingly, the Census Bureau intends to continue its research into these concerns.

The Census Bureau relied on three prespecified decision criteria. The ESCAP based its adjustment recommendation on: (1) a consideration of operational data to validate the successful conduct of the A.C.E.; (2) whether the A.C.E. measures of undercount were consistent with historical patterns of undercount and independent demographic analysis benchmarks; and (3) a review of quality measures. These criteria were specified in advance in the Census Bureau's June, 2000 ''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000.''

Both Census 2000 and the A.C.E. were of high quality. The ESCAP's recommendation against adjustment in no way suggests serious concern about the quality of the census or the A.C.E. operations, as the ESCAP believes that both Census 2000 and the A.C.E. were efficient and effective operations that produced high quality data. All major programs in the census were completed on schedule and within budget, and design improvements in both Census 2000 and the A.C.E. produced measurably better results. An innovative advertising and partnership program encouraged public participation, and adequate staffing and pay contributed to improved data quality. The ESCAP concludes that the unadjusted census data are of high quality.

The A.C.E. was also a design and operational success. The A.C.E. included a variety of design improvements that resulted in better data quality, including enhanced computer processing and bettering matching. The Census 2000 adjusted data have lower variances and comparable or improved missing data rates compared to the 1990 adjusted data. The Census Bureau followed the A.C.E.''s prespecified design except for two specific instances that are easily explained by good and normal statistical practice. Both of these changes should be considered enhancements. The ESCAP has concluded that both Census 2000 and the A.C.E. were effective and efficient operations.

Demographic analysis estimates were inconsistent with the adjusted data. The demographic analysis estimates indicate fundamental differences with the results of the A.C.E. In particular, the demographic analysis estimates are significantly lower than both Census 2000 and the A.C.E. estimates for important population groups. The Committee investigated this inconsistency extensively, but in the time available could not adequately explain it. The inconsistency between the A.C.E. and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously un-enumerated population.

2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.

3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology, scenario 3, above. The Census Bureau must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy.

Quality measures indicate the adjusted data are more accurate overall, but concerns were identified. The ESCAP directed the preparation of several total error models and loss function analyses to evaluate whether the adjusted data are more accurate than the unadjusted data. The Committee examined the loss functions for evidence of a clearly measurable improvement under a variety of scenarios and found the following:

1. Under what the Committee considered reasonable assumptions, state, congressional district, and county level analyses showed a marked improvement for adjustment.

2. However, some less likely scenarios indicated that the unadjusted census was more accurate at all geographic levels.

3. The analysis of accuracy for counties with populations below 100,000 people indicated that the unadjusted census was more accurate.

The ESCAP believes that under reasonable scenarios, and absent the concerns noted above, adjustment would result in more accurate data at the state, congressional district, and county levels. Even though smaller counties would have been less accurate, the analysis indicated an overall improvement in accuracy from adjustment. However, the concerns noted above are all potentially indicative of undetected problems. The ESCAP is unable to conclude at this time that the adjusted data are superior because further research on these concerns could reverse the finding of the adjusted data's superior accuracy.

The ESCAP assessed other factors that might affect accuracy. The ESCAP examined the issues of synthetic and balancing error and concluded that the potential for these errors cannot be ignored, particularly when considered in conjunction with the inconsistency with demographic analysis. Finally, the ESCAP reviewed the treatment of late census additions and whole person imputations, because the number of these cases significantly increased from 1990, concluding that these cases did not raise serious new concerns.

Additional issues were considered. The ESCAP reiterated that the Census Bureau does not consider block-level accuracy to be an important criterion with which to evaluate either Census 2000 or the A.C.E., and explained that had adjusted data files been released, adjustments for overcounts would not have resulted in the removal of any records from Census 2000 files.

Table of Contents

Introduction
- Census and A.C.E. Results in Brief
- ESCAP Procedure and Process

Findings
- Conduct of Key Operations
- Census Quality Indicators
- Address List Development
- Questionnaire Return—Census 2000 Mail Return Rates
- Nonresponse Follow-up
- Housing Unit Unduplication Program
- Data Processing
- A.C.E. Quality Indicators
- Historical Measures of Census Coverage-Comparison with Demographic Analysis
- Measures of Census and A.C.E. Quality
- Total Error Model
- Loss Function Analysis
- Other Factors That May Affect Accuracy
- Synthetic Error
- Balancing Error
- Late Adds and Whole Person Imputations
- Misclassification Error

Additional Issues
- Block Level Accuracy
- Adjustments for Overcounts

Attachments

Introduction

This report fulfills the responsibility of the Executive Steering Committee for Accuracy and Coverage Evaluation (A.C.E.) Policy (''the ESCAP'' or ''the Committee'') to prepare a ''written report to the Director of the Census analyzing the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c), and the factors relevant to the possible choices of methodology.'' [1] As is required by regulation, the Director of the Census will forward this report and his recommendation regarding adjustment to the Secretary of Commerce. This report is also being released to the public at the same time that it is being forwarded to the Secretary of Commerce. [2] The Secretary of Commerce will make the final determination about whether to adjust the data that will be released pursuant to P.L. 94–171.

The Census Bureau released in June 2000 the report ''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000,'' (the Feasibility Document). The Feasibility Document stated that ''the Census Bureau will make the determination to use the A.C.E. to correct Census 2000 after evaluating (1) the conduct of key operations, (2) the consistency of the A.C.E. to historical measures of undercount, and (3) measures of quality.'' [3] This report will, accordingly, evaluate the conduct of key operations, compare the Accuracy and Coverage Evaluation Survey (A.C.E.) estimates to historic measures of the undercount, and evaluate the quality of both the A.C.E. and the census.

[1] The phrase ''the methodologies that may be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c)'' refers to the decision about whether the Census Bureau should release adjusted or unadjusted data for the states to use in redistricting. Rather than repeating this cumbersome legal phrase, this document will often refer simply to ''the adjustment decision.''

[2] In addition to the requirement to make this report public, the Census Bureau firmly believes that full disclosure and a vigorous and informed debate will improve both the Census Bureau's internal processes and the public's understanding of statistical adjustment. Accordingly, the Bureau is also making available on its Internet site the documentation supporting the ESCAP report. This additional documentation includes the analytical reports outlined publicly to the National Academy of Sciences Panel to Review the 2000 Census in October, 2000, along with underlying data, analysis, and supporting documentation. An index to the supporting documentation is attached.

[3] Feasibility Document, p. 33.

Census and A.C.E. Results in Brief

As the Census Bureau has stated publicly, Census 2000 was an operational success, meeting or exceeding goals. This success may be attributed to a number of improvements, including the following:

- A multi-faceted marketing and partnership program that encouraged householders to complete and mail back their census forms,
- The ability to hire and retain enough highly skilled temporary staff throughout the course of the census, permitting timely completion of operations,
- The timely completion of nonresponse follow-up, which provided sufficient time and resources to conduct other operations designed to improve coverage, and
- The use of digital imaging and optical character recognition technology for the first time to recognize handwritten answers in addition to marks on the form, a vast improvement that allowed the Census Bureau to process the data faster and permitted multiple response options.

The A.C.E. was also an operational success that met or exceeded goals. The A.C.E. was completed on time and generally produced data equal or superior in quality to prior coverage measurement surveys.

The A.C.E. supports the conclusion that the quality of the initial census was generally good, finding that Census 2000 reduced both net and differential undercoverage from 1990 census levels. The A.C.E. estimates that the net national undercount was reduced from the 1990 rate of 1.61 percent to 1.18 percent in 2000.[4] This reduction is substantial and reflects high census quality. The A.C.E. further found that not only was the net undercount reduced, but there was a reduction in the differential undercount. According to the 1990 Post-Enumeration Survey, minorities, renters, and children were differentially undercounted in the 1990 census, and other methods indicate a differential undercoverage of minorities in earlier censuses. While these groups still have higher undercount rates than the population as a whole, the differential has dropped considerably.

The A.C.E. did not judge Census 2000 quality to be perfect, however. The A.C.E. indicated that while differential coverage was reduced, it was not eliminated, and that Census 2000 continued longstanding patterns of differential coverage, with minority groups, renters, and children all exhibiting lower coverage rates.[5]

Coverage measurement surveys such as the A.C.E. are not the only method available to estimate census coverage; the Census Bureau also uses demographic analysis (DA) to assess net and differential population coverage. DA uses records and estimates of births, deaths, legal immigration, and Medicare enrollments, and estimates of emigration and net undocumented immigration to estimate the national population, separately from the census. The Census Bureau has long relied on DA as an important independent benchmark for validation of the accuracy of both the census and coverage measurement surveys such as the A.C.E. Initial DA results, however, presented a major inconsistency with the A.C.E. results—instead of confirming a net undercount, DA estimates that Census 2000 overcounted the national population by 1.8 million individuals. Even an alternative DA that assumed a doubling of net undocumented immigration during the 1990's (compared with the initial DA) showed a small net undercount of 0.9 million, substantially below the net undercount of 3.3 million shown by the A.C.E. These inconsistencies and DA in general will be discussed in more detail later in this report. The DA and A.C.E. estimates did agree, however, that Census 2000 perpetuated the historical phenomenon of the differential undercount.

The following table sets forth the A.C.E.'s results in summary fashion:

TABLE 1a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.

Estimation grouping	Net undercount (percent)	Standard Error (percent)
Total population in Households	1.18	0.13
Race and Hispanic Origin:		
American Indian and Alaska Native (on reservation)	4.74	1.20
American Indian and alaska Native (off reservation)	3.28	1.33
Hispanic Origin (of any race)	2.85	0.38
Black or African American (not Hispanic)	2.17	0.35
Native Hawaiian and Other Pacific Islander (not Hispanic)	4.60	2.77
Asian (not Hispanic)	0.96	0.64
White or Some Other Race (not Hispanic)	0.67	0.14
Age and Sex:		
Under 18 years	1.54	0.19
18 to 29 years:		
Male	3.77	0.32
Female	2.23	0.29
30 to 49 years:		
Male	1.86	0.19
Female	0.96	0.17
50 years and over:		
Male	−0.25	0.18
Female	−0.79	0.17
Housing Tenure:		
In owner-occupied housing units	0.44	0.14

[4] These figures compare the 1990 and 2000 undercount rates as measured by coverage measurement surveys. The coverage measurement survey conducted in connection with the 1990 census was called the Post-Enumeration Survey (PES). As will be discussed below, Demographic Analysis presents an alternative measure of census coverage.

[5] The percent net undercount for owners was 0.44 percent compared to 2.75 percent for renters, and the non-Hispanic White undercount rate of 0.67 percent was lower than the rates for non-Hispanic Blacks (2.17 percent) and Hispanics (2.85 percent).

TABLE 1a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.—Continued

Estimation grouping	Net undercount (percent)	Standard Error (percent)
In nonowner-occupied units	2.75	0.26

Notes:
- The race and Hispanic categories shown on this table represent estimation groupings used in developing estimates based on the A.C.E. Survey and do not conform with race and Hispanic categories that will appear in the redistricting (P.L. 94–171) files and other Census 2000 data products. In developing the estimation groupings used to evaluate the coverage of Census 2000, the principal consideration was to combine people who were expected to have the same probability of being counted in Census 2000. Consequently, the race and Hispanic origin groupings used to create the A.C.E. estimates of coverage are exceedingly complex. For a complete description of the estimation groups, see DSSD Memorandum Q–37, which will be provided on request.
- In general, American Indians and Alaska Natives (AIAN) are included in that category, regardless of whether they marked another race or are Hispanic. A few exceptions apply, especially for those who do not live on a reservation, on trust lands, or in an AIAN statistical area.
- Similarly, Native Hawaiians and Other Pacific Islanders (NHPI) generally are included in that category, unless they lived outside of Hawaii and marked more than one race or marked Hispanic.
- Hispanics are mostly in that category, unless they marked AIAN and lived on a reservation, on trust lands, or in an AIAN statistical area, or marked NHPI and lived in Hawaii.
- People who marked Black or African American are generally in that category unless they fell in the categories described above; similarly those who marked Asian are generally in that category, unless they fell in the categories described above.
- The final category includes most people who marked only White or only Some Other Race or marked three or more races but did not fall into the categories described above.
- The data in this table contain sampling and non-sampling error; a minus sign denotes a net overcount.

The following table presents the results from the 1990 Census Post-Enumeration Survey:

TABLE 1b.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 1990 PES

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total Population[1]	1.61	0.20
Race and Hispanic Origin:		
White or Some Other Race not Hispanic)[2]	0.68	0.22
Black or African American	4.57	0.55
Hispanic Origin[3]	4.99	0.82
Asian and Pacific Islander	2.36	1.39
American Indian and Alaska Native (on reservaton)	12.22	5.29
Age and Sex:		
Under 18 years	3.18	0.29
18 to 29 years:		
Male	3.30	0.54
Female	2.83	0.47
30 to 49 years:		
Male	1.89	0.32
Female	0.88	0.25
50 years and over:		
Male	−0.59	0.34
Female	−1.24	0.29
Housing Tenure:		
In owner-occupied housing units	0.04	0.21
In nonowner-occupied housing units	4.51	0.43

Notes:
- The data in this table contain sampling and non-sampling error.
- The race and Hispanic categories shown on this table represent selected population groupings used in conducting the PES and do not conform exactly with race and Hispanic tabulations that were released from the 1990 census.

[1] Includes household population and some Group Quarters; excludes institutions, military group quarters.
[2] Includes American Indians off reservations.
[3] Excludes Blacks or African Americans, Asian and Pacific Islanders, and American Indians on reservations.

The following table summarizes DA's estimates for Census 2000:

TABLE 2.—DEMOGRAPHIC ANALYSIS ESTIMATES OF PERCENT NET UNDERCOUNT BY RACE, SEX AND AGE: 2000

Category	DEMOGRAPHIC ANALYSIS—2000		
	Average	Model 1	Model 2
Black Male			
Total	5.10	6.94	3.26
0–17	1.47	4.86	−1.92
18–29	6.45	8.02	4.88
30–49	9.18	10.11	8.25
50+	3.29	4.08	2.49

TABLE 2.—DEMOGRAPHIC ANALYSIS ESTIMATES OF PERCENT NET UNDERCOUNT BY RACE, SEX AND AGE: 2000—Continued

Category	DEMOGRAPHIC ANALYSIS—2000		
	Average	Model 1	Model 2
Black Female			
Total	0.63	2.52	−1.27
0–17	1.92	5.39	−1.56
18–29	0.12	1.93	−1.70
30–49	0.98	2.06	−0.10
50+	−1.31	−0.45	−2.16
Nonblack Male			
Total	−0.93	−1.21	−0.65
0–17	−0.90	−1.56	−0.23
18–29	−4.17	−4.45	−3.89
30–49	0.10	−0.04	0.24
50+	−0.16	−0.24	−0.08
Nonblack Female			
Total	−1.44	−1.74	−1.14
0–17	−0.32	−1.01	0.38
18–29	−3.66	−4.00	−3.32
30–49	−1.21	−1.38	−1.04
50+	−1.45	−1.54	−1.35

(A minus sign denotes a net overcount.)

Note: Model 1 uses 2000 census tabulations for Blacks that include people who reported ''Black'' and no other race. Model 2 uses 2000 census tabulations for Blacks that include people who reported Black, whether or not they reported other races. People who reported only ''Some other race'' are reassigned to a specific race category (to be consistent with 1990 DA estimates and the historical demographic data series).

ESCAP Procedure and Process

After the Supreme Court ruled in January, 1999 that the Census Act barred the use of statistical sampling for reapportioning the House of Representatives,[6] the Census Bureau redesigned its plan for the census to assure that sampling was not used to arrive at the apportionment counts, and to provide for the possible use of sampling for all other purposes. This action was in accordance with the advice of the (then) General Counsel of the Department of Commerce that ''Section 195 of the Census Act requires the Census Bureau, if feasible, to produce statistically corrected numbers from the decennial census for all non-apportionment purposes.'' [7]

The Associate Director for Decennial Census originally chartered the ESCAP on November 26, 1999 and charged the Committee to ''advise the Director in determining policy for the A.C.E. and the integration of the A.C.E. results into the census for all purposes except Congressional reapportionment.'' Thereafter, on October 6, 2000, the Department of Commerce delegated to the Director of the Census Bureau the final determination ''regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c).'' This regulation further required the ESCAP to ''prepare a written report to the Director of the Census Bureau recommending the methodology to be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141 (c).'' [8] The initial regulation was revised on February 14, 2001 to provide that the Secretary of Commerce would make the final adjustment decision for the redistricting data, but only after receiving the recommendation, if any, of the Director of the Census Bureau, together with the ESCAP's report.[9] Accordingly, this document constitutes the official report of the ESCAP to the Director analyzing the adjustment methodologies and setting forth the relevant factors in the adjustment decision. The Acting Director of the Census Bureau asked the ESCAP to include a recommendation in the Report. This Report is limited to an analysis of whether adjustment would produce improved data for legislative redistricting.

The ESCAP held its first meeting on December 8, 1999 and met regularly until the date of this Report, meeting over 45 times, sometimes with more than one meeting per day. The analysis set forth in this document is supported by extensive staff work and many analytic reports on various aspects of the census and the A.C.E. The documents in these ''B-series'' reports represent diligent and thorough statistical, demographic, and analytic work conducted over many months of intensive effort. These more detailed reports are summarized in Report B–1, ''Data and Analysis to Inform the ESCAP Report,'' from which this Report draws heavily.[10]

The ESCAP's membership was originally set forth in its charter and repeated in the regulations. There are twelve members on the ESCAP, with the Director functioning in an ex officio role. The Committee solicited needed assistance from the Associate Director for Field Operations, recognizing his unique contribution to the Committee's awareness of field operations and procedures. He contributed valuable input to the deliberative process and was, in effect, a member of ESCAP. The ESCAP represents a body of senior career Census Bureau professionals, with advanced degrees in relevant technical fields and/or decades of experience in the Federal statistical system. All are highly competent to evaluate the relative merits of the A.C.E. data versus the census data and are recognized for their extensive contributions to the professional community.

[6] *Dept. of Commerce v. House of Representatives*, 119 S.Ct. 765 (1999).

[7] Memorandum to the Secretary and the Director of the Census from Andrew J. Pincus, General Counsel, dated June 12, 2000 and entitled ''Legal Obligation to Produce Statistically-Corrected Non-Apportionment Census Numbers.''

[8] 65 Federal Register 59713, ''Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information,'' October 6, 2000.

[9] 66 Federal Register 11231, ''Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c); Revocation of Delegation of Authority,'' February 23, 2001.

[10] A list of these reports is attached to this Report.

The Committee proceeded through four distinct but overlapping stages. The Chair arranged that minutes be prepared for all sessions, except for the final sessions which were private deliberations. The early sessions were educational, designed to make the Committee members aware of the details of the upcoming operations and to explain possible adjustment issues. The second phase was devoted to the presentation of evidence. As data from the census and the A.C.E. became available, knowledgeable individuals in the Census Bureau made presentations to the Committee. The Committee reviewed data from all relevant census and A.C.E. operations, sometimes asking staff to provide additional and new information. The third phase was the deliberation phase. Unlike the first two phases, the deliberations were closed to all but Committee members and individuals invited for a specific purpose: individuals with specialized knowledge who could respond to specific inquiries from the Committee members. The final and briefest stage was the review stage, where Committee members circulated and commented on the draft report.

During the education and evidence presentation phases, the Chair generally arranged presentations on major issues, issues that he identified on his own initiative or on the suggestion of Committee members. During the evidence presentation stage, authors of the analysis reports known as ''the B-series'' presented their data and conclusions to the Committee. The deliberation and review phases were less structured with various members raising topics for discussion and asking for evidence. No formal vote was held; this Report reflects a consensus of the ESCAP.

This report and the analysis preceding it were prepared in light of the statutory April 1, 2001 deadline.[11] The Census Bureau clearly would have preferred to have additional time to analyze the data before it, and may well have reached a different recommendation had it had more time; however, the ESCAP believes that it has analyzed the available data sufficiently to make the findings contained in this report. This report is based on the best data available at the time. More data will be produced in the months and years to come that could affect the matters discussed in this report. As in past censuses, the Census Bureau will prepare a large number of detailed evaluations of both the census and the A.C.E. These evaluations will not be available for months, or in some cases, years, after the Census Bureau is required by law to provide redistricting data to the states. These final evaluations, as distinguished from the analysis reports that informed the ESCAP Committee, will be accomplished without the pressure of a legal deadline, will be based on additional information, and may, in some instances, reach conclusions different from those in the analysis reports.[12]

Findings

The ESCAP has evaluated the conduct of key operations in both the census and the A.C.E., the consistency of the A.C.E. to historical measures of undercount, and measures of both census and A.C.E. accuracy. Accordingly, this section will evaluate:

- The conduct of key operations (Census Quality Indicators, A.C.E. Quality Indicators),
- Historical measures of census coverage—comparison with Demographic Analysis,
- Measures of census and A.C.E. accuracy (Total Error Models and Loss Function Analysis), and
- Other factors that may affect accuracy.

Conduct of Key Operations

Census Quality Indicators

The ESCAP concludes that the unadjusted census was well designed and executed and that the results are of a high quality. There had been considerable concern about potential operational problems, given that the Census Bureau finalized its plans for Census 2000 very late in the census cycle in response to the Supreme Court ruling in January, 1999. However, Census 2000 was an operational success; all major programs were completed on schedule and within design parameters. Although there were some local problems and minor operational shortcomings, census operations were implemented in a controlled manner and within design expectations.

The ESCAP reviewed the results of the initial census to determine whether improved census operations could be expected to yield high quality results. The ESCAP heard presentations on the results of each major census operation and evaluated the extent to which these operations were under control. The discussion in this document is not meant to be a complete evaluation of census operations, but rather focuses on information relevant to the level and pattern of census omissions or erroneous inclusions, because this information is directly relevant to understanding and assessing the results of the A.C.E.

While several major improvements were introduced for Census 2000, including improved marketing, better questionnaire design, more ways to respond, higher pay rates, and improved processing,[13] the basic design of Census 2000 was similar to the design of the last two censuses. Address lists were prepared from a variety of sources. Questionnaires were delivered to each address on the list. Questionnaires were principally delivered by the U.S. Postal Service. In areas with rural-style addresses, census workers delivered the questionnaires. Households were asked to return the questionnaires by mail. Those addresses that did not return a questionnaire by mail were followed up by census workers in the nonresponse follow-up (NRFU) operation. NRFU was followed by a coverage improvement follow-up operation. Each major operation had its own quality control procedures.

The following is a brief discussion of the quality indicators associated with some of the major Census 2000 operations.

Address List Development. A foundation of the decennial census process is the list of housing units representing every known residence in the country. The address list is dynamic, with updates occurring at a number of phases throughout the census. One important measure of its quality is the time at which housing units were added. It is preferable for the address list to be largely complete before the majority of census operations begin, as this would indicate that the building of the address list had been successful, by using operations such as address listing and block canvassing, and local government input in the Local Update of Census Addresses (LUCA) program. The data confirm that the address list was largely complete early in the process, as census enumerators found few new addresses in the field. The address list was nearly 97 percent complete (overall and in each region of the nation) before the census forms were mailed out or delivered. The two fastest growing regions, the South and the West, not surprisingly, had slightly lower percentages of housing unit coverage before the census and higher

[11] The Census Act requires that redistricting data be ''completed, reported, and transmitted to each respective State within one year after the decennial census date.'' 13 U.S.C. § 141(c).

[12] A list of the planned Census 2000 final evaluations can be found at Attachment 3.

[13] For more detail see ''Census 2000 Operational Plan—December, 2000.''

rates of added housing units during questionnaire delivery. (See B–2, ''Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation.'')

Questionnaire Return—Census 2000 Mail Return Rates. One of the most important quality indicators for the census is the mail return rate, the proportion of occupied housing units that mailed back their questionnaires. A high mail return rate is crucial to the success of the census—operationally, budgetarily, and also in terms of data quality; data from mailback questionnaires tend to be more complete and of higher quality than the data from forms completed by enumerators.

Public cooperation is critical for the success of any census. The Census Bureau had projected that the mail return rate would be lower in Census 2000 than in 1990 and had accordingly developed an enhanced marketing and partnership program designed to increase awareness of the decennial census and public cooperation. The marketing program was designed around a first-ever paid advertising campaign, including a national media campaign aimed at increasing mail response, targeted advertising directed at raising mail response among historically undercounted populations, and special advertising messages and campaigns targeted to hard-to-enumerate populations. In the partnership program, the Census Bureau worked nationwide with state and local partners to encourage all individuals to respond to the census. Additionally, the Census Bureau worked with states and local jurisdictions to encourage residents of the jurisdictions to raise their mail response rates over their 1990 levels.

The success of the advertising campaign and the partnership program is reflected in the final Census 2000 national mail return rate of 72 percent. In 1990, this figure was 74 percent, but the mailback universe was different in Census 2000, including the addition of approximately five million (mostly rural) housing units to the universe in 2000. These units were enumerated differently in 1990 and the two figures are, thus, not wholly comparable. It is fair to say that the level of public cooperation in Census 2000 roughly equaled that of 1990, despite projections of lower cooperation.

Nonresponse Follow-up. The nonresponse follow-up (NRFU) operation involved field follow up of about 42 million housing units that did not return a census form within the specified time after Census Day. For most LCO's, NRFU was completed as scheduled in a 9-week period between April 27 and June 26. This performance is a significant improvement over 1990 when NRFU was generally conducted over a 14-week period from April 26 through July 30. The Census Bureau believes, based on past research, that NRFU interviews conducted closer to Census Day are likely to be of higher quality. Thanks in large part to adequate funding provided by the Congress, pay rates and levels of staffing in 2000 were far higher than in the past two censuses. We believe that this increased funding and the ability to hire adequate staff contributed to an improvement in NRFU quality, and thus improved Census 2000 data in general.

The Census Bureau identified local NRFU problems at a few Local Census Offices (LCOs), including the LCO in Hialeah, Florida. The Census Bureau responded to the localized problems in the Hialeah office by re-enumerating certain areas that were believed to have faulty data and does not believe that net coverage in the Hialeah or any other LCO was substantially affected by these local problems. The limited local imperfections do not detract from the conclusion that NRFU as a whole was successful. The local problems experienced were similar to problems encountered in previous censuses, and should be expected in any non-recurring operation of this magnitude.

Housing Unit Unduplication Program. The Census Bureau became concerned that the address list might contain a significant number of duplicate addresses, or duplicated persons living in duplicated addresses. The Census Bureau responded to this problem by designing and conducting the Housing Unit Unduplication Program. This program was a special operation designed and instituted to reduce the level of housing unit duplication. While this program was not prespecified, the Census Bureau believed that failure to address this potential problem could have seriously impaired the accuracy of the apportionment numbers. Using the results of an address matching operation and a person matching operation, 2,411,743 addresses were identified as potential duplicates and the person and housing records associated with these addresses temporarily removed from the census file. Based on more detailed analysis, 1,392,686 addresses of these were permanently removed from the address list and 1,019,057 addresses were re-instated and included in the census results. Although this operation certainly made mistakes of both exclusion and inclusion, the operation was necessary and resulted in improved census accuracy.

Data Processing. The large number of address sources used to compile the address list, along with an increased number of response opportunities, increased the chance of duplicate returns. Census 2000 included several data processing steps designed to handle multiple census returns for a single housing unit. More than 90 percent of Census 2000 housing units had only one census return. For households returning two or more forms, the Census Bureau conducted a computer operation to identify and remove duplicated responses. Imputation is discussed later in this Report.

A.C.E. Quality Indicators

The A.C.E. is based on an independent coverage measurement survey, meaning that it collects information in operations separate from the census to allow comparison with the initial census enumeration. The goal is to determine what proportion of the people living in the A.C.E. sample blocks were correctly included in the census, what proportion were erroneously included in the census, and what proportion were not included in the census, so that corrected data can be prepared.

The Census Bureau selected a stratified random sample of blocks to include in the A.C.E. and created an independent list of housing units in those blocks. Enumerators conducted initial A.C.E. interviews at the housing units on this independent list. Households with discrepant information between the A.C.E. and the census received a follow-up interview to find the correct answer or ''true'' situation. This process led to a determination for each individual regarding whether the A.C.E. response or the census response was correct. Missing data for households and/or individuals was supplied using prespecified procedures, including imputation.[14] The individuals in the A.C.E. sample were then categorized by age, sex, tenure (owner or renter) and other predefined variables into groupings called post-strata, and coverage correction factors (CCFs) were calculated for each post-stratum. The methodology used to create the coverage correction factors is called Dual System Estimation or DSE. The coverage correction factors measure the extent to which the total of people in each post-stratum is over-or undercounted in the initial census. These factors can be used

[14] B–7 ''Missing Data Results'' contains a description of the three types of missing data in the A.C.E. and the processes used to correct for them.

to correct the initial census data and to produce tabulated results.

The Census Bureau incorporated a variety of improvements into the 2000 A.C.E. compared with the 1990 PES:

- In order to reduce variance (sampling error), the Bureau doubled the size of the sample from the 1990 PES.
- The design included enhancements to the matching process, such as a more fully automated matching system with built-in edits and quality checks, centralization of matching in one site, and a change in the treatment of movers.
- Computer processing was improved in a number of ways, such as adoption of software validation and verification procedures, standardized nomenclature, and improved documentation for technical issues.
- Enhancements to minimize missing data were added to the design, including allowance of an additional two weeks for attempts to revisit any nonresponding households.

The ESCAP spent many hours reviewing the elements of A.C.E. quality and has concluded that these enhancements succeeded in their goal of improving the A.C.E., and that the operational quality of the A.C.E. was good.

The quality of the A.C.E. operations is particularly evident from the fact that the A.C.E. was completed on schedule without any major difficulties. That operations of the massive size of both the initial census and the A.C.E. could be finished on time and under budget is testimony to thoughtful design and careful implementation. Listing, interviewing, matching, and follow up were all conducted as designed and in a controlled manner. A.C.E. interview response rates met or exceeded expectations. The Quality Assurance operations were carried out as planned and assured that the A.C.E. was in control, resulting in few outliers.[15] Computer programs were thoroughly tested and improved from 1990. This evidence indicates that the A.C.E. was a clear operational success.[16]

A.C.E. prespecified procedures were followed except in two specific instances.[17] Both of these instances were actually enhancements to the A.C.E. design permitted by earlier than anticipated availability of data; both are consistent with good statistical practice and both improved the accuracy of the A.C.E. results.

Briefly, the first change was a modification of A.C.E. collapsing rules to permit the inclusion of variance as a criterion to collapse data cells. The second enhancement to the prespecified rules deals with imputation cell estimation, the process by which resident status, match status, or enumeration status is imputed for unresolved cases. Imputation cell estimation was modified because the results of the A.C.E. follow-up forms became available during the missing data estimation process. The changes were discussed with the ESCAP and documented.

The ESCAP was pleased with the reduction in sampling variance from 1990 levels. The A.C.E. was designed so that the coefficients of variation (CV) would be lower than in 1990 because of the increased sample size, because better measures of population size were available for the selection of sample clusters, and because sample weights were less variable. The overall CV decreased about 40 percent from 1990 levels, and forty-seven states saw their CV decline, with an average reduction of 37 percent. The A.C.E. design expectation of state-level CV of less than 0.5 percent was achieved. CVs at the congressional district, place, and county level all showed similar levels of improvement, as detailed in Analysis Report B–11, ''Variance Estimates by Size of Geographic Area.''

Other important quality indicators for the A.C.E. operations include the following:

- Consistent reporting of Census Day address may have been somewhat better than achieved in 1990 due to the better interview made possible by being held closer to Census Day and an improved interviewing instrument.
- Matching error in the A.C.E. was low, with indications that it is substantially lower than that achieved in 1990. Additionally, other processing errors are probably lower than those measured in 1990.
- A.C.E. fabrication was tightly controlled in 2000; an improved interviewing instrument, tighter management of field operations, and better detection of falsification through targeting, likely lowered the level of fabrication below 1990 levels.
- The level and pattern of missing data in the A.C.E. were near or below that in the 1990 PES and the effect of missing data on A.C.E. quality is similar to that experienced in 1990.

In short, the A.C.E. operations appear to have been in control, performed as expected, and produced data as good or better than the data produced by the 1990 PES.

Historical Measures of Census Coverage—Comparison With Demographic Analysis

By far the largest issue facing the ESCAP has been the surprising inconsistency between the DA and A.C.E. estimates. The initial DA figures estimate that Census 2000 resulted in a net overcount of 1.8 million individuals, that Census 2000 overcounted the population by 0.7 percent. DA has long provided the standard against which the accuracy of both censuses and coverage measurement surveys are measured, making this inconsistency troubling. The inconsistency between the A.C.E. estimates and the demographic analysis estimates is most likely the result of one or more of the following three scenarios:

1. The estimates from the 1990 census coverage measurement survey (the Post-Enumeration Survey), the 1990 demographic analysis estimates, and the 1990 census were far below the Nation's true population on April 1, 1990. This scenario means that the 1990 census undercounted the population by a significantly greater amount and degree than previously believed, but that Census 2000 included portions of this previously un-enumerated population.
2. Demographic analysis techniques to project population growth between 1990 and 2000 do not capture the full measure of the Nation's growth.
3. Census 2000, as corrected by the A.C.E., overestimates the Nation's population.

The inconsistency between the demographic analysis estimates and the A.C.E. estimates raises the possibility of an as-yet undiscovered problem in the A.C.E. or census methodology. The Census Bureau has determined that it must further investigate this inconsistency, and the possibility of a methodological error, before it can recommend that adjustment would improve accuracy.

DA assesses accuracy in a fundamentally different manner from the survey-based approach used in the A.C.E. Instead of comparing the results of an independent survey, DA uses administrative records of births, deaths, legal immigration, and Medicare enrollments along with calculated estimates of legal emigration and net undocumented immigration to estimate the national population. Most of these components of population change are well measured (especially for recent decades), but undocumented immigration is not directly measured and must be estimated by comparing detailed data between two consecutive censuses with administrative data on legal immigration. Given the uncertainty of the initial DA results, the Census

[15] Outliers are extreme blocks with high effect on the estimates.

[16] B–1, ''Data and Analysis to Inform the ESCAP Report.''

[17] B–1, Ibid.

Bureau has reexamined certain of these components and created an alternative set of DA estimates that allows for additional undocumented immigration in the 1990s. This alternative set estimates a net undercount of 0.9 million individuals. This would imply that the 2000 Census undercounted the population by 0.3 percent. [18]

For the decade between 1990 and 2000, the base demographic analysis relied on extrapolations of net undocumented immigration derived from data reflecting the changes between the 1980 and 1990 censuses. This analysis estimated the flow of undocumented immigration during the 1990's at 2.8 million. The accuracy of that assumption can only be assessed once the Census 2000 questions on country of birth and year of immigration become available. However, related data that examine the percent Hispanic and Non-Hispanic in Census 2000, and data on the percent foreign-born from the re-weighted March 2000 Current Population Survey (CPS), provide an indication of the accuracy of the original assumptions about immigration and emigration during the 1990's. These data show that the base DA implies a foreign-born percentage of the population below the value reported in the March 2000 CPS (10.3 percent versus 10.6 percent). Similarly, the base DA implies a percent Hispanic (12.1 percent) that is below the Census 2000 percent Hispanic (12.6 percent). Since the undocumented population has recently been predominantly Hispanic, these numbers would be consistent with an underestimate of the undocumented population component in the base DA.

Census Bureau researchers have therefore assumed that the base DA is a reasonable low estimate of net undocumented immigration in the 1990s, and examined several different scenarios to create a reasonable high estimate. For purposes of simplicity, researchers assumed a doubling of net undocumented immigration over the decade for the alternative DA. Doubling net undocumented immigration implies a percent foreign-born of 11.1, which is higher than the 10.6 percent from the re-weighted CPS, and a percent Hispanic of 12.7, which is higher than the 12.6 percent in the unadjusted Census 2000 results. Until data from Census 2000 on country of birth and year of immigration are available to recalibrate DA in detail, this alternative assumption should be considered a reasonable higher bound on net undocumented immigration during the 1990's.

DA and the A.C.E. do not differ completely. DA and the A.C.E. agree on a reduction in the net undercount in Census 2000 compared with 1990, but DA implies a greater change. DA estimated a 1.8 percent net undercount in 1990, compared with either a 0.7 percent net overcount (base set), or a 0.3 percent net undercount (alternative set) in 2000. The A.C.E. estimates show that the net undercount was reduced from 1.6 percent in 1990 to 1.2 percent in 2000. DA and the A.C.E. also concur that Census 2000 succeeded in reducing the differential undercount. Both DA and the A.C.E. measured a reduction in the net undercount rates for Black and non-Black children (aged 0–17) compared to 1990. Both methods also measure a reduction in the net undercount rates of Black men and women (aged 18 and over).

The DA estimates indicate that correlation bias has not been reduced from 1990 levels.[19] The A.C.E. sex ratios [20] for Black adults are lower than DA ''expected'' sex ratios, implying that the A.C.E. did not capture the high undercount rates of Black men relative to Black women. Historically, DA's important strength has been its ability to measure sex ratios accurately. (The ESCAP believes that correlation bias cannot be ignored. The correlation bias for 2000 measured by DA is about the same magnitude as that measured in 1990.)

It is important to understand the limitations and uncertainties associated with the DA estimates:

- Like the A.C.E., DA has an associated level of uncertainty; the ranges of DA uncertainty are a matter of judgment.
- DA estimates do not provide independent coverage benchmarks for all of the characteristics estimated in the A.C.E.[21]
- DA has difficulty in estimating the sub-national population.
- The DA method requires reconciling the reporting of race in the vital statistics system with race as reported in the census. The Census 2000 questionnaire used the instruction ''mark one or more races,'' introducing a new consideration into the reconciliation of reported race data.
- DA provides estimates for the total population (people living in households and group quarters (GQ)), while the A.C.E. provides estimates only for the housing unit population, but excludes the group quarters population, which includes college dormitories and prisons.

DA estimates for the 1980 and 1990 censuses did not immediately confirm the results of the coverage measurement surveys in those censuses either. Initial DA estimates for the 1980 census implied a net overcount of 0.4 percent, but were later revised upward, partially to account for an increase in undocumented immigration. DA estimated a 1.8 percent undercount for the 1990 census, leading Secretary Mosbacher and others to question the accuracy of the 1990 adjusted counts. The Census Bureau, however, concluded that the differences between DA and the 1990 PES were explainable as within the bounds of DA uncertainty. [22]

However, in Census 2000 the differences between DA and the A.C.E. are larger than in 1990, with DA measuring an undercount from 1.9 to 0.9 percentage points less than the A.C.E. The Census Bureau acknowledges DA's inconsistency with the A.C.E. estimates and will continue to research this important issue.

Measures of Census and A.C.E. Accuracy

Total Error Model

The total error model and loss function analysis are methods used to compare the accuracy of the adjusted and unadjusted 2000 data. The total error model brings together all of the components of error that can be measured for the A.C.E. The total error model is used to correct the A.C.E. for biases and thus produces a measure of ''truth'' that can be used to assess the accuracy of both the adjusted and unadjusted census. The measures of the truth are referred to as targets since the components of error must be estimated. By using a range of targets as the basis of comparing the A.C.E and Census 2000, calculations can be done that indicate whether the adjusted or unadjusted census results are more accurate. Situations are defined by the methods and assumptions that are used to vary the components of error in the total error model.

[18] Similarly, legal emigration from the U. S. must be measured indirectly and several scenarios were run that varied this component as well as undocumented immigration. Those scenarios did not fit the observed data as well as the those that simply varied undocumented immigration. Scenarios that changed smaller components such as legal temporary immigration will be examined in future research.

[19] Correlation bias is discussed in B–12, ''Correlation Bias.''

[20] The ratio of men per 100 women.

[21] DA estimates can be tabulated by year-specific age, sex, and Black/Non-Black; the A.C.E. permits tabulation for additional racial categories and other characteristics, such as whether the housing unit is owned or rented.

[22] Bureau of the Census, ''Technical Assessment of the Accuracy of Unadjusted Versus Adjusted 1990 Census Counts,'' 4.

The total error model identifies and estimates the various components of error and their variances for groups of the A.C.E. post-strata designated as evaluation post-strata.[23] Estimates of the component errors are derived for each evaluation post-stratam, then a simulation methodology is used to create a range of target populations. Loss functions, described in the next section, are then used to determine which of the adjusted or unadjusted census populations is closer to the targets, taking into account the uncertainty in the targets and in the adjustment.[24]

The components of error for the total error model are as follows:[25]

1. P-sample matching error
2. P-sample data collection error
3. P-sample fabrication
4. E-sample data collection error
5. E-sample processing error
6. Correlation bias
7. Ratio estimator bias
8. Sampling error
9. Imputation error

The Census Bureau has data from DA, Census 2000, and the A.C.E. that can be used to produce estimates of components 6, 7 and 8 (Correlation Bias, Ratio Estimator Bias, and Sampling Error), and is relying on 1990 data to estimate the remaining components. The ESCAP discussed the use of 1990 measures for these error components, and determined that doing so would provide conservative estimates of the level of error in the A.C.E. The ESCAP noted that the A.C.E. is similar in design and operation to the 1990 PES, except that the A.C.E. was conducted with higher quality as noted above.[26]

The ESCAP analyzed the sensitivity of various components of the total error model, particularly the office processing components, because the Committee believes that it achieved better results for these components in 2000 than in 1990. Also, the ESCAP used a number of models of correlation bias in the total error model, given the importance of this component, and the understanding of the significant influence that this component has on the estimates of total error and thus on the target populations.

Loss Function Analysis

Loss function analysis is used to compare the adjusted and unadjusted census populations to the target populations derived from the total error model as described above. Loss functions are constructed to measure the loss or error associated with differences from the targets. Loss functions are defined to measure the loss in accuracy due to differences from the target populations. Loss functions are also specified based on various criteria related to the intended uses of the data. A general description of loss functions is as follows:

$$\text{Census Loss} = \sum_{i=1}^{n} W_i \left(\text{Cen}_i - T_i\right)^2$$

$$\text{ACE Loss} = \sum_{i=1}^{n} W_i \left(\text{ACE}_i - T_i\right)^2$$

Where:

n represents the number of entities for which the comparison is conducted;

T_i, Cen_i, and ACE_i represent the target population, unadjusted census population, and the adjusted census population, respectively for the ith entity; and

W_i represents a weight defined for the criterion to be studied for a particular use of the data.

If the Census loss is greater than the ACE loss, then the adjusted data are determined to be more accurate for the criterion represented by the loss function.

The Census Bureau believes that both numeric and distributive accuracy are important measures of census accuracy and accordingly designed loss functions to measure both types of accuracy. Numeric accuracy refers to how close the overall count of a particular geographic area is to the truth, whereas distributive accuracy refers to how close the relative proportion or share of a geographic area is to its true share relative to other areas.[27] As discussed in B–13, ''Comparing Accuracy,'' the ESCAP directed the preparation of four types of loss functions:

1. Squared Error Loss
2. Weighted Squared Error Loss
3. Relative Squared Error Loss
4. Equal Congressional District Squared Error Loss

The Committee determined that the second and fourth loss functions, weighted squared error loss and equal CD squared error loss, were the most appropriate to measure accuracy for redistricting data. The ESCAP directed the preparation of loss functions at the state, congressional district and county levels, believing these geographic levels most relevant to the decision before the Secretary. County level data is intended to simulate state legislative districts, because these districts are usually smaller than congressional districts.

The ESCAP studied the sensitivity of the loss functions by varying the assumptions for various of the components in the total error model. As described above, extensive sensitivity analysis was conducted for the various models and levels of correlation bias that were used to generate the target populations.[28]

Loss functions that measure only a small gain in accuracy for the A.C.E. may be problematic, given the associated uncertainty with these estimates. Accordingly, the Committee examined the loss functions for evidence of a clearly measurable improvement and found the following:[29]

1. At the state and congressional district level, when only sampling variance was included, the loss functions showed that the change due to adjustment was significant in comparison to sampling error, that is, if sampling error were the only concern, adjustment would result in more accurate data. The ESCAP recognizes, of course, that sampling error is not the only error in the A.C.E., and thus this analysis was conducted to determine whether sampling error alone would result in finding that adjustment was less accurate. This was not the case so the ESCAP proceeded with more extensive analyses.

2. Correlation bias is a significant factor in influencing the results of the loss functions, and a variety of models were used to test the sensitivity of the analysis to correlation bias effects in creating the target populations. When full components of estimated correlation bias were used to construct the target populations, at the state, congressional district, and county levels, the loss functions showed a marked improvement for adjustment, regardless of the model. When only 50 percent of the estimated correlation bias was used in constructing the target populations, the loss functions continued to show a clear improvement. The ESCAP

[23] The Census Bureau can only estimate error components for at most sixteen evaluation post-strata. The error components reflect, for the most part, measures of nonsampling error. Estimation of nonsampling error requires extensive methodology carried out by extremely well qualified staff. Because few such staff exist, this limits the size of the sample for which measures can be obtained. Therefore direct estimates of the targets can only be obtained for a smaller number of evaluation post-strata.

[24] Mary Mulry and Bruce D. Spencer. ''Accuracy of the 1990 Census and Undercount Adjustments.'' *Journal of the American Statistical Association* 88 (September 1993): 1080–91; B–19, Mulry and Spencer.

[25] Ibid.

[26] B–19, Mulry and Spencer.

[27] The relationship between numeric and distributive accuracy is discussed in the Feasibility Document, pp. 15–18.

[28] B–13, ''Comparing Accuracy.''

[29] Ibid.

considered this to be an important finding because while there may be disagreement regarding the existence of correlation bias, assuming no correlation bias is clearly an unlikely possibility.

3. When either no or only a modest amount of correlation bias is factored into the loss functions, they tend to favor the unadjusted census at all geographic levels. The ESCAP noted that assuming no correlation bias would result in a lower bound for the degree of improvement for adjustment, since as noted above, it is not reasonable to assume no correlation bias.

4. The loss functions for counties with populations below 100,000 indicated that the unadjusted census was more accurate regardless of the level of correlation bias assumed. This caused some concern, since this was not the case for the 1990 census adjustment. However, the ESCAP found that the adjustment was more accurate when considered for all counties using both numeric and distributive accuracy. Therefore, the adjustment was improving the data for areas in which the majority of the population resided. This is further indication of the closeness of the A.C.E. estimates and Census 2000.

The conclusion that can be drawn from the loss function analysis is that, absent the concerns with consistency between DA and the A.C.E., the adjustment would result in data that are more distributively and numerically accurate at the state and congressional district levels if correlation bias is recognized at a likely level, but that the data are not more accurate for smaller counties. Even though smaller counties would have been less accurate; the analysis indicated an overall improvement in accuracy from adjustment. However, the ESCAP notes its concern regarding the unexplained differences between DA and the A.C.E. estimates, which may be indicative of an unmeasured problem in Census 2000 or in the A.C.E. The potential for a reversal of these findings is strong enough to preclude a conclusion at this time that adjustment would improve accuracy. When considering the additional concerns described below and taking into account the inconsistencies with DA, the Committee was not prepared to recommend at this time that adjustment would improve accuracy.

Other Factors That May Affect Accuracy

Synthetic Error

The A.C.E. methodology produced estimated coverage correction factors for each of the post-strata. These factors were carried down within the post-strata to the census block level in a process called synthetic estimation. The key assumption underlying synthetic estimation is that the net census coverage is relatively uniform within the post-strata. In other words, the probability that people in a particular post stratum will be missed by the census is assumed to be roughly the same. The failure of this assumption causes synthetic error.

The design underlying synthetic estimation methodology is directed at correcting a systematic under or over count in the census. The synthetic estimates will not correct random counting errors that occur at any geographic level (blocks, tracts, counties, etc). Therefore, the synthetic estimate will not result in extreme changes in small geographic entities, nor will it correct for extreme errors. Synthetic estimation is designed to remove the effects of systematic errors, so that when small entities are aggregated, systematic and differential coverage errors can be corrected.

The ESCAP was concerned with synthetic error, because this type of error is not included as a component of the total error model (which estimates error in post-stratum level DSE's, where there is, by definition, no synthetic error). Furthermore, synthetic error cannot be estimated directly, as direct estimation would require more sample observations for the A.C.E than practicable.

The ESCAP analyzed the effects of synthetic error by conducting artificial population analysis. This analysis creates artificial populations with surrogate variables thought to reflect the distribution of net coverage error. These surrogate variables are known for the entire population. An analysis of these artificial populations for the effect of synthetic error is the basis on which this otherwise unknown effect is studied.

The detailed analysis of synthetic error is described more fully in reports B–1, ''Data and Analysis to Inform the ESCAP Report,'' and B–14, ''Assessment of Synthetic Assumptions.'' Briefly, four artificial populations were constructed based on census variables thought to be related to census coverage. The Census Bureau calls these variables ''surrogates.'' [30] The Census Bureau distributed the post-stratum level gross undercount (gross overcount) in proportion to the gross undercount surrogate variable (gross overcount surrogate variable) to the geographic levels to be studied. This process results in a population with surrogate values for coverage error which are known at all levels. Unlike other approaches, artificial population analysis provides measures of net coverage for all local areas, within a post-stratum. Therefore the effect of synthetic error can be assessed for these artificial populations.

The four artificial populations are described in Table 3 below:

TABLE 3.—SURROGATE VARIABLES USED TO CREATE ARTIFICIAL POPULATIONS

	Undercount surrogate	Overcount surrogate
Artificial Population 1	(# non-GQ persons)— (# persons in whole household substitutions).	(# non-GQ persons)—(# persons for whom date of birth was allocated consistent with reported age).
Artificial Population 2	(# non-GQ persons)—(# persons in whole household substitutions).	(# non-GQ persons)—(# persons in whole household substitutions).
Artificial Population 3	# non-GQ persons with 2 or more item allocations	# persons for whom date of birth was allocated consistent with reported age.
Artificial Population 4	# non-GQ persons whose household did not mail back the questionnaire.	# non-GQ persons whose household did not mail back the questionnaire.

[30] The methodology used is similar to that suggested by Freedman and Wachter (1994, Statistical Science).

GQ = Group Quarters

Three types of analysis were conducted using these artificial populations: [31]

1. The effect of relative bias for synthetic estimation was assessed by calculating the ratio of the absolute unadjusted census error to the absolute adjusted census error for state and congressional district population totals and shares. An analysis of the distribution of these relative biases indicated that within the artificial populations, synthetic estimation improved the majority of entities.

2. Biases for synthetic estimation were also calculated and compared to the level of bias in the dual system estimates, including correlation bias from the total error model. Since the total error model does not include synthetic bias, the purpose of this analysis was to determine whether the level of synthetic error was small enough to be ignored when compared to the other errors estimated for the A.C.E. This analysis showed that the level of synthetic error could not be ignored for several of the artificial populations. This finding led to the third analysis.

3. Because synthetic error affects both the unadjusted and adjusted census, the Census Bureau studied the effect of synthetic error on both unadjusted and adjusted census loss, as measured by the loss functions, and concluded that synthetic error would increase the loss of both the unadjusted and adjusted census. The question was how this error would affect the relative losses for the adjusted and unadjusted data.

Therefore, the ESCAP directed the addition of synthetic error to the loss measured for both the adjusted and unadjusted census. This study indicated that synthetic error could, in certain situations, affect the relative comparison of adjusted or unadjusted loss.

For the analyses based on several of the artificial populations for state and congressional district counts, the loss function analysis understated the true gains from adjustment. However, for some of the analyses, the loss function results understate the true gain for the unadjusted census. In these situations, the effect could be as high as 58 percent.

The ESCAP noted that a conservative view of the loss function results should be used in assessing the gain in accuracy from adjustment. Given the concerns described above, the ESCAP believes that this finding must be fully understood before recommending for an adjustment.

[31] See Analysis Report B–14, ''Assessment of Synthetic Assumptions'' for a detailed discussion.

Balancing Error

The A.C.E. actually consists of two surveys, based on two samples: '' the P-sample and the E-sample. The P-sample is an enumeration independent from the census, used to measure omissions or missed persons. The E-sample is a sample of census records that are reexamined to measure erroneous inclusions. Balancing error occurs when cases are handled differently in the P- and E-samples. For example, the effort spent to identify gross omissions should be comparable to the effort spent to identify erroneous enumerations. The ESCAP examined whether balancing error may have been introduced during the Targeted Extended Search (TES) operation. TES was the A.C.E. operation designed to look for matches in surrounding A.C.E. block clusters. The DSE model attempts to match people in the A.C.E with people in the census. Balancing error occurs when the search area for the P-sample matching does not agree with the search area for E-sample erroneous enumerations. Specifically, if A.C.E. records are allowed to match to records that were not in the common area of search, the DSE ratio will be incorrectly estimated.

One can assess TES balance by seeing if the proportions of errors of inclusion and of exclusion are approximately equal after completion of the search, assuming that there is no geocoding error in the P-sample. In other words, the number of TES people found on the P-sample (coded as a Match) and E-sample (coded as a Correct Enumeration) sides should be about equal. In Census 2000, the much greater increase in the match rate (3.8 percent) than the correct enumeration rate (2.9 percent) may indicate that some aspect of A.C.E. is out of balance. The ESCAP directed a review of this situation. Preliminary results from an early A.C.E. evaluation indicate that a number of E-sample cases coded as correct enumerations were in fact outside of the search area. That means that they should have been coded as Erroneous Enumerations and subtracted from the DSEs. This error could introduce an upward bias in the DSE. In addition, there are also concerns that the search for census duplicate enumerations in surrounding blocks could have understated the estimate of duplicates used in the DSE. The net effect of correcting these two errors could have the effect of reducing the A.C.E. estimate of total net undercount. However, additional work must be completed to quantify this effect.

The ESCAP was concerned about the possibility of balancing error. The ESCAP noted that some measures of this error were included in the total error model. However, this result, in combination with the inconsistency between DA and the A.C.E., added to the concerns that adjustment could not be shown to improve accuracy at this time. The Committee also believes that balancing error must be further investigated before a recommendation can be made.

Late Adds and Whole Person Imputations

There are records included in Census 2000 that do not contain information sufficient for matching to the A.C.E independent sample. The methodology that has been established and used to produce coverage estimates, given that this situation will occur, is to produce the dual system estimate based on the census population that has sufficient information to be included into the A.C.E. matching process. In effect, this excludes records that do not contain sufficient information for matching from the dual system estimation. The dual system estimate then produces a measure of the correct population total. The undercount (or overcount) is estimated by comparing the complete census count to the dual system estimate of the correct population total. Therefore, the effect of these census records is included in the estimates of undercount produced by dual system estimation.

The key assumption underlying this methodology of estimating coverage error is that the probability of including the people represented by these records in the A.C.E. P-sample is the same as the probability of including the people who report sufficient information to be included in the matching procedures.

Census 2000 contains over five million records where imputation procedures were used to create all of the information. These are referred to as whole person imputations. Since these records do not contain information sufficient to be included in the matching, they are handled as described above. The Census Bureau plans to evaluate the causes for these imputations.

In addition, as discussed in the preceding section on census quality, the Housing Unit Unduplication Operation reinstated over a million previously removed housing units (representing over two million individual person records) into the census files. These reinstated ''Late Additions'' were incorporated into the estimates of coverage error using the same process as described for census records that do not contain sufficient information for

matching. The same assumption underlies this treatment of late additions as described above for records without sufficient information for matching. That is, the probability of inclusion in the P-sample for the people Census 2000 correctly enumerated in the universe of late additions is assumed to be the same as for correctly enumerated people not in this universe.

The ESCAP reviewed the treatment of late additions and whole person imputations because the number of these cases had increased significantly from 1990. The ESCAP concluded that the key assumptions underlying the methodology for including these records into the estimates of A.C.E coverage error could be expected to hold. However, the ESCAP noted that these assumptions would not hold perfectly and examined the effects of deviations from this assumption. The ESCAP concluded that three effects were likely to result (1) the sampling variance of the dual system estimator would be increased; (2) the heterogeneity of the A.C.E inclusion probabilities would be increased, leading to increased correlation bias; and (3) to the extent that these records clustered geographically within the A.C.E. post-strata, synthetic error would be increased.

The ESCAP was comfortable that the measures available for assessing the effects of sampling variance and correlation bias would include the effects of the treatment of late additions and whole person imputations. However, the ESCAP was concerned that synthetic error might be increased and continued its review of the effect of increased synthetic error. The committee reviewed tabulations of late census additions and whole person imputations for A.C.E post-strata by census region. The committee found that these data did indicate some degree of geographic clustering within post-strata. The committee noted that the synthetic error analysis included the effect of clustering of whole person imputations. The committee concluded that there was a possibility for increased synthetic error, and that it was reflected to some degree in the analysis based on artificial populations. The committee concluded further that a higher degree of conservatism should be used in reviewing the results of the loss function analysis. The committee did not view the effect of increased synthetic error as large enough to change the findings described previously.

Misclassification Error

Misclassification error occurs when an individual is classified into different post-strata in the census and the A.C.E. While the Census Bureau has never detected a significant impact of misclassification error in earlier post-enumeration surveys, the introduction of multiple race reporting in both the census and the A.C.E. raised concerns about this type of error. The evidence reveals that misclassification error affected only two groups, the domains of American Indians off reservation and Native Hawaiians and Pacific Islanders. ESCAP has concluded that for these two groups, it appears that inconsistency may have contributed to having lower than anticipated undercount rates because of how they were classified. The misclassification error in these two domains had little or no effect on the validity of the dual system estimates as a whole, given their small sizes. Misclassification error, in general, was not a problem.

Additional Issues

There are several issues or concerns that have been raised regarding census adjustment. These issues did not concern the ESCAP, but are briefly discussed below.

Block Level Accuracy

Block level accuracy is not an important criterion to evaluate either Census 2000 or the A.C.E. The population of stand-alone blocks is not used to determine either congressional or state legislative districts, nor is block-level data used to distribute funds. Rather, blocks are added together to form the more meaningful levels of aggregation studied by the loss functions: states, congressional districts, and counties.

Block level accuracy has two components, random error and systematic errors or biases. Random error can be minimized through the conduct of census operations aimed at improving quality. Systematic biases, on the other hand, are caused by systematic errors that occur during the conduct of census operations. Random errors at the block level diminish greatly as blocks are added together to form larger aggregations of the data. Systematic errors, if not corrected, will remain in the data at all levels of aggregation, leading to data that systematically over or understate affected population groups. Therefore, it is more important for adjustment to remove systematic errors from block level data.

Adjustment for Overcounts

It is important to emphasize that the statistical correction of Census 2000 would involve some amount of downward adjustment for overcounts. While the A.C.E. would mostly result in an increase in the estimated size of most undercounted geographic entities, there are likely to be a small number of overcounted areas that would require decreasing the estimated size. The 2000 A.C.E. data do not show that any state or congressional district was overcounted; all states and congressional districts would increase in measured size. The data do reveal, however, that certain substate entities were overcounted and would thus be subject to downward adjustment.

There are concerns that an adjustment for overcounts removes people from Census 2000 data files. This is not the case; the downward adjustment is accomplished by creating statistical records with negative weights that, when added to Census 2000 tabulations, reduce the count to reflect overcounts. No records would have been removed from the Census 2000 files. However, the effects of the adjustment for overcounts may subtract a person's individual characteristics from the Census 2000 tabulations.

The ESCAP discussed the downward adjustment for overcounts, and noted that it was subject to the same concerns that are related to adjustment for undercounts. The ESCAP concluded that the analysis of the accuracy of the adjustment included the effects of uncertainties for adjustments of over and undercounts, and that any final determination on the potential improvement of accuracy would reflect these uncertainties.

Attachments

1. Index of Supporting Documentation
2. List of ''B-Series'' Analysis Reports

Attachment 1—Outline of Documents/Records Underlying the Report of the Executive Steering Committee for Accuracy and Coverage Evaluation Policy Regarding the Methodology To Be Used To Produce the Tabulations of Population Reported to States and Localities Pursuant to 13 U.S.C. 141(c)

A. Reports Supporting the Recommendation—Chapter B (Final reports)
B. Detailed Specifications for A.C.E. Methodology
C. Executive Steering Committee for A.C.E. Policy (ESCAP) Meetings
D. October 2, 2000, Presentation to the National Academy of Sciences
E. Prior Steps to Determining Feasibility

F. Prior Documentation of Adjustment Research
G. Census 2000 Decision Memoranda
H. Census 2000 Dress Rehearsal Evaluations Summary (1999)
I. Census 2000 Informational Memoranda
J. U.S. Census Monitoring Board Reports
K. U.S. General Accounting Office Reports
L. U.S. Department of Commerce Office of the Inspector General Reports

Note: Because of the large volume of underlying documentation, not all will be posted to the Census Bureau's website at the time that the ESCAP report is made available. The remaining documents will be posted in the near future.

Attachment 2—B-Series Documents

February 27, 2001

Title	Author
1. Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report	Hogan.
2. Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation	Farber.
3. Quality of Census 2000 Processes	Baumgardner/Moul/Pennington/Piegari/Stackhouse/Zajac/Alberti/Reichert/Treat.
4. Accuracy and Coverage Evaluation: Demographic Analysis Results	Robinson.
5. Accuracy and Coverage Evaluation: Person Interviewing Results	Byrne/Imel/Ramos/Stallone.
6. Accuracy and Coverage Evaluation: Person Matching and Follow-up Results	Childers/Byrne/Adams/Feldpausch.
7. Accuracy and Coverage Evaluation: Missing Data Results	Cantwell/McGrath/Nguyen/Zelena k.
8. Accuracy and Coverage Evaluation: Decomposition of Dual System Estimation Components.	Mule.
9. Accuracy and Coverage Evaluation: Dual System Estimation Results	Davis.
10. Accuracy and Coverage Evaluation: Consistency of Post-Stratification Variables	Farber.
11. Accuracy and Coverage Evaluation: Variance Estimates by Size of Geographic Area	Starsinic/Sissel/Asiala.
12. Correlation Bias	Bell.
13. Comparing Accuracy	Mulry/Navarro.
14. Accuracy and Coverage Evaluation: Assessment of Synthetic Assumptions	Griffin/Malec.
15. Census 2000: Service Based Enumeration Multiplicity Estimation	Griffin.
16. Demographic Full Count Review: 100% Data Files and Products	Batutis.
17. Census 2000: Missing Housing Unit Status and Population Data	Griffin.
18. Accuracy and Coverage Evaluation: Effect of Targeted Extended Search	Navarro/Olson.
19. Overview of Total Error Modeling and Loss Function Analysis	Mulry/Spencer.

Attachment 3 to Preamble

DSSD Census 2000 Procedures and Operations Memorandum Series B–1, March 1, 2001

Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report

Howard Hogan, U.S. Census Bureau

Table of Contents

Summary Table
Introduction
Background
Accuracy and Coverage Evaluation (A.C.E.) Dual System Estimates
Review of the Quality of the Census Operations
Conclusions for this Section
Analysis reports important to this section
Discussion
Address List Development
Questionnaire Delivery and Return
Nonresponse Follow-up
Be Counted Campaign
Coverage Edit Follow-up
Coverage Improvement Follow-up
Housing Unit Duplication Operation
Primary Selection Algorithm
Unclassified Unit and Missing Data Estimation
Review of A.C.E. Operations
Proper execution of the steps between processing and estimation
Conduct and control of the A.C.E. operations
Conclusions for this section
Analysis reports important to this section
Discussion
Interviewing
Matching and Follow-up
Review of A.C.E. Quality
Individual components of A.C.E. quality
Sampling variance
Consistent Reporting of Census Day Residence
Matching error
A.C.E. Fabrications
Missing data
Balancing error
Errors in Measuring Census Erroneous Enumerations
Correlation bias
Synthetic Assumptions
Other Measurement and Technical Errors
Synthesizing A.C.E. Quality
Comparison with demographic analysis and demographic estimates
Post-Enumeration Survey—A.C.E. error of closure
Comparing the accuracy of the A.C.E. to the accuracy of the uncorrected census
References

Tables

Table 1. Summary Table: Data and Analysis to Inform the ESCAP Report
Table 2. Percent Net Undercount for Major Groups: 2000 A.C.E. and 1990 PES
Table 3. Distribution Interviews by Week—Unweighted
Table 4a. Census 2000 A.C.E. 64 Post-Stratum Group-Percent Net Undercount
Table 4b. Census 2000 A.C.E. 64 Post-Stratum Group-Standard Error of the Net Undercount
Table 5. A Comparison of the 1990 PES Total Population with the A.C.E. Accounting for Population Change
Table 6. Relative Loss by Degree of Processing Error and Correlation Bias
Table A–1. Census 2000 A.C.E. 64 Post-Stratum Groups by Region—Percent Late Adds
Table A–2. Census 2000 A.C.E. 64 Post-Stratum Group by Region—Percent Iis
Table A–3. Census 2000 Evaluations Program Category Report Schedule

TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT

Finding	Evidence	Implication	Limitations [32]
What do we know about Census 2000?			
Census 2000 was similar in design to the 1980 and 1990 censuses.	Procedural histories and Census 2000 Operational Plan, 12/00.	We expected similar patterns of coverage error.	
Census 2000 included some important improvements such as paid advertising, intensive community outreach, local involvement with address list development, and competitive pay scales.	Census 2000 Operational Plan 12/00.	We expected these programs to have a modest impact in reducing the undercount.	
While there were some local problems and minor operational shortcomings, Census 2000 was generally well designed and executed.	Report B–3, ''Quality of Census Processes''.	We expect generally good and uniform patterns of coverage, with perhaps local exceptions.	
There is evidence of geographic heterogeneity in the application of some census processes.	Presentation at ESCAP, 12–20–99, 4–12–00, 5–24–00 and B–14, Feasibility, pp. 46–48.	Local heterogeneity will affect the accuracy of both the census and the adjusted estimates.	We cannot know the effects of this differential pattern on census net undercount at the local level.
There was a high level of advertising and outreach targeted at minority populations.	Census 2000 Operational Plan 12/00.	We expected these programs to have a modest impact in reducing the undercount.	
What does the A.C.E. tell us about Census 2000?			
The level and patterns of coverage in Census 2000 are substantially similar to those of the past two censuses, with incremental improvements rather than wholesale discontinuities.	Report B–2, ''Overall Census and A.C.E. Quality Indicators;'' Report B–3, ''Quality of Census Processes;'' Feasibility Doc.	This finding is consistent with what is known about the design and implementation of Census 2000.	
While Census 2000 reduced both the net and the differential undercount, the A.C.E. estimates that the census undercounted the total population by approximately 1.18 percent and continued previous patterns of differential coverage, with lower coverage rates for minorities, renters, and children.	Report B–9, ''Dual System Estimation Results''.	A lower undercount in the Census means the benefits from adjusting a loss.	All results are subject to sampling and nonsampling errors.
Was the A.C.E. conducted as designed?			
The A.C.E. was carried out as prespecified with only minor modifications, which were warranted and documented when important information became available earlier than expected.	Report B–7, ''Missing Data Results;'' Report B–8, ''Decomposition of Dual System Estimate Components;'' Report B–9, ''Dual System Estimation Results''.	The results of the A.C.E. were not manipulated.	There were two changes to prespecification, one concerning the collapsing rules and the other affecting the missing data imputation.
Was the A.C.E. an operational success?			
The A.C.E. was an operational success; listing, interviewing, matching, and follow-up were all conducted as designed and were well controlled.	Report B–5, ''Person Interviewing Results;'' Report B–6, ''Person Matching and Followup Results;'' Report B–7, ''Missing Data Results''.	There were no unforseen operational difficulties with a significant effect on the quality of the data.	
The A.C.E. significantly reduced sampling variance.	Report B–9, ''Dual System Estimation Results;'' Report B–11, ''Variance Estimates by Size of Geographic Area''.	There were no unforseen operational difficulties with a significant effect on the quality of the data.	
Consistent reporting of Census Day addresses may have been somewhat better than that achieved in 1990 due to better interviews made possible by the Computer Assisted Personal Interviewing instrument. Interviewing was conducted closer to Census Day.	Report B–6, ''Person Matching and Followup Results''.	Data collection error probably lower than in 1990.	

TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT—Continued

Finding	Evidence	Implication	Limitations [32]
Matching error in the A.C.E. was low, with indications that it is substantially lower than that achieved in 1990.	Report B–6, ''Person Matching and Followup Results;'' Presentation to ESCAP, 11–30–00 and 2–2–01, Feasibility, p. 43.	A.C.E. processing errors are probably less than those measured in 1990.	
A.C.E. fabrication was more tightly controlled than in the 1990 PES; tighter field management reduced the opportunity for fabrication.	Report B–6, ''Person Matching and Followup Results''.	Data collection error probably lower than in 1990.	
The level and pattern of missing data in the A.C.E.'s comparable to that in the 1990 PES.	Report B–7, ''Missing Data Results''.	Effect on A.C.E. quality is similar to that experienced in the 1990 PES.	
Questions remain concerning the level of balancing error.	Report B–8, ''Decomposition of Dual System Estimate Components;'' Minutes, Feasibility p. 50, Report B–18, ''Effect of Targeted Extended Search''.	Increased balancing error could make the adjustment less accurate.	A full analysis has not been completed.
E-Sample coding errors were controlled comparable to 1990, except, perhaps, for e-sample geocoding.	Series T–6: ''Additional Geographic Coding for Erroneously Enumerated Housing Units''.	A.C.E. might over estimate the census undercount.	There was evidence of some A.C.E. mis-geocoding.
Correlation bias is almost certainly present for both Black and non-Black populations. The switch to PES–C may have increased correlation bias over 1990 levels, but the evidence on the level of correlation bias is weak.	Report B–4, ''Demographic Analysis Results;'' Report B–12, ''Correlation Bias;'' Presentation to ESCAP, 7–12–00, Feasibility pp. 35–36.	A.C.E. could underestimate the undercount.	Limited data on females, children etc.
The A.C.E. contains bias due to synthetic estimation.	Report B–14, ''Synthetic Assumptions''.	The A.C.E. will not remove local variations in the net undercount that are not correlated with the poststrata.	Only indirect evidence is available.
What does Demographic Analysis say about the census?			
Initial Demographic Analysis estimates indicate a net census overcount of 0.7 percent with large overcounts for the non-Black population age 18–29.	Report B–4, ''Demographic Analysis Results''.	The level and pattern of the A.C.E. estimates differs from the initial Demographic Analysis estimates.	The Demographic Analysis estimates are subject to their own patterns of uncertainities.
Alternate Demographic Analysis benchmarks indicate a net undercount of 0.9 million, or 0.32 percent.	.....	The A.C.E. may be overestimating the population size.	The Demographic Analysis estimates are subject to their own patterns of uncertainities.
Both the initial and revised Demographic Analysis indicates an improvement in coverage from the 1990 to the 2000 censuses.	B–4, ''Demographic Analysis Results''.	Census 2000 net coverage is higher than 1990.	
Both the initial and the revised Demographic Analysis indicate a differential undercount in Census 2000.	B–4, ''Demographic Analysis Results''.	Census 2000 did not eliminate the differential undercount.	
What does loss function analysis tell us about the relative accuracy of the adjusted and unadjusted census?			
If there is little or no correlation bias and the level of A.C.E. errors is the same as the 1990 PES, the A.C.E. is less accurate than the census.	Report B–13, ''Comparing Accuracy''.	If these conditions are true, the census is probably the more accurate.	These results are dependent on the model assumptions being approximately true.
If there is moderate correlation bias or if the level of A.C.E. processing errors is substantially reduced, the A.C.E. is more accurate.	B–13, ''Comparing Accuracy''	If these conditions are true, the adjusted figures are probably the more accurate.	These results are dependent on the model assumptions being approximately true.
Accounting for local census heterogeneity is unlikely to reverse the findings for the loss function analysis.	B–14, ''Synthetic Error''	Heterogeneity is a concern but probably not a deciding factor.	Measuring the effect of local variation is dependent on finding observable variables that have similar geographic distributions as the net undercount.

TABLE 1.—SUMMARY TABLE: DATA AND ANALYSIS TO INFORM THE ESCAP REPORT—Continued

Finding	Evidence	Implication	Limitations [32]
What does an analysis of the A.C.E./PES error of closure tell us about the level and pattern of DSE errors?			
The level and pattern of errors in the A.C.E. may differ from that of the 1990 PES.	B–13, ''Comparing Accuracy'' B–14, ''Synthetic Error,'' and Overview of Total Error Modeling and Loss Function Analysis.	The findings from the loss function analysis, which depend upon an assumption of A.C.E./PES similarity in error structure, may be misleading.	This result depends upon Demographic Analysis's ability to place an upper bound on the level of population change between 1990 and 2000.

[32] All findings are based on the best available evidence as of today; further evaluations could modify them.

Accuracy and Coverage Evaluation: Accuracy and Coverage Evaluation: Data and Analysis To Inform the ESCAP Report

Prepared by Howard Hogan

Introduction

Background

The Census Bureau designed the Accuracy and Coverage Evaluation (A.C.E.) to permit correction of the initial census results to account for systematic patterns of net undercount. The Census Bureau preliminarily determined that the A.C.E., if properly conducted, should produce more accurate census data by improving coverage and reducing differential undercounts; the purpose of this document is to evaluate whether the data produced in Census 2000 support this initial determination.

This document summarizes and synthesizes the more detailed analysis reports that were written to inform the adjustment decision. No one analysis report is determinative; rather the information in the analysis reports, taken together, permits evaluation of the quality of both the census and the A.C.E. The topics of the analysis reports were selected because the Census Bureau believed that the information in those reports would provide the basis for informing the Census Bureau's adjustment decision. In the course of evaluating the conduct of both the census and the A.C.E., it became evident that other analyses should be completed; thus, two additional reports have been added to the 16 formal reports originally specified. The information in the analysis reports, and the reports themselves in draft form, have been shared with the Executive Steering Committee on A.C.E. Policy (ESCAP) on a flow basis so that the Committee could evaluate the data as they became available. The Committee has sometimes asked for additional information, either from the authors of the analysis reports or from other Census Bureau staff. Much of the analysis in the attached reports is applicable for all possible uses of adjusted data, but in some instances the reports focus on the ESCAP Committee's initial regulatory charge: to make a recommendation on the suitability of using the A.C.E. data for redistricting.

As this document is written, the ESCAP is in the process of evaluating which set of numbers, the adjusted or the unadjusted, is more accurate for redistricting purposes. If more than one set of numbers is available, each of the 50 states will then make its own decision on which set of data to use. The Census Bureau believes it is appropriate for it to make one determination on which set of data is more accurate, rather than 50 separate determinations, because the statistical determination of the relative accuracy of the census versus the A.C.E. results is meaningful when summarized across jurisdictions. However, we have not attempted, nor do we think it possible, to establish the relative accuracy of a particular state.

The authors of the attached reports have analyzed the best data available at this time. It should be noted that in the years following Census 2000, as in past censuses, the Census Bureau will prepare an extensive array of detailed evaluations of many aspects of both the initial census and the A.C.E. A list of the evaluation categories and their projected completion dates is attached. These evaluations will not be available for months, or in some cases, years, after the Census Bureau is required by law to provide redistricting data to the states. These final evaluations, as distinguished from these analytical reports that inform the ESCAP Committee, will be accomplished without the pressure of a legal deadline, will be based on additional information, and may, in some instances, reach conclusions different from those in certain of these reports.

Accuracy and Coverage Evaluation (A.C.E.) Dual System Estimates

The A.C.E. indicates that Census 2000 reduced both net and differential undercoverage over the levels measured by the 1990 Post-Enumeration Survey (PES). The net national undercount is estimated to have been reduced from the 1990 rate of 1.61 percent (0.20 percent standard error) to 1.18 percent (0.13 percent standard error). The estimated undercount rate for the Non-Hispanic Blacks domain dropped from 4.57 percent (0.55 percent standard error) to 2.17 percent (0.35 percent standard error), and the estimated undercount rate for the Hispanics domain dropped similarly from 4.99 percent (0.82 percent standard error) to 2.85 percent (0.38 percent standard error). In addition, the estimated undercount rate for children dropped from 3.18 percent (0.29 percent standard error) to 1.54 percent (0.19 percent standard error). (Report B–9, ''Dual System Estimation Results'')

Nonetheless, the improvements demonstrated in Census 2000 do not mean that complete coverage has been achieved or that differential coverage has been eliminated. On the contrary, the A.C.E. indicates that Census 2000 perpetuated longstanding patterns of differential coverage, with minority groups and children exhibiting lower coverage rates. The Census 2000 percent net undercount for the non-Hispanic Black and the Hispanic domains, 2.17 percent and 2.85 percent respectively, remain significant, as does the Census 2000 percent net undercount for children of 1.54 percent.

Tenure continues to be an important characteristic to distinguish coverage. The A.C.E. indicates that the pattern of differential coverage continues despite improvements in Census 2000. The percent net undercount for non-owners was 2.75 percent (0.26 standard error) as compared with an estimated net undercount for owners of 0.44 percent (0.14 standard error). While this is a distinct improvement over the percent net undercount for non-owners in the 1990 census, which is estimated at 4.51 percent (0.43 standard error), the A.C.E. indicates that the estimated undercount for this population is significant as well.

In addition, the undercount for minority renters also remains high. The

non-owner undercount for non-Hispanic Blacks was estimated to be 3.58 (0.48 standard error), for Hispanics 4.32 (0.55 standard error), for Asians 1.58 (0.98 standard error), for Hawaiians and Pacific Islanders 6.58 (4.07 standard error), and for American Indians not on reservations 5.57 (2.02 standard error).

Tables 2a and 2b provide the percent net undercount for the race/origin domains, tenure, and age/sex groups for Census 2000 and the 1990 census.

TABLE 2a.—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 2000 A.C.E.

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total population in Households	1.18	0.13
Race and Hispanic Origin:		
American Indian and Alaska Native (on reservation)	4.74	1.20
American Indian and Alaska Native (off reservation)	3.28	1.33
Hispanic Origin (of any race)	2.85	0.38
Black or African American (not Hispanic)	2.17	0.35
Native Hawaiian and Other Pacific Islander (not Hispanic)	4.60	2.77
Asian (not Hispanic)	0.96	0.64
White or Some Other Race (not Hispanic)	0.67	0.14
Age and Sex:		
Under 18 years	1.54	0.19
18 to 29 years:		
Male	3.77	0.32
Female	2.23	0.29
30 to 49 years:		
Male	1.86	0.19
Female	0.96	0.17
50 years and over:		
Male	−0.25	0.18
Female	−0.79	0.17
Housing Tenure:		
In owner-occupied housing units	0.44	0.14
In nonowner-occupied units	2.75	0.26

TABLE 2b—PERCENT NET UNDERCOUNT FOR MAJOR GROUPS: 1990 PES

Estimation grouping	Net undercount (percent)	Standard error (percent)
Total Population [1]	1.61	0.20
Race and Hispanic Origin:		
White or Some Other Race (not Hispanic) [2]	0.68	0.22
Black or African American	4.57	0.55
Hispanic Origin [3]	4.99	0.82
Asian and Pacific Islander	2.36	1.39
American Indian and Alaska Native (on reservation)	12.22	5.29
Age and Sex:		
Under 18 years	3.18	0.29
18 to 29 years:		
Male	3.30	0.54
Female	2.83	0.47
30 to 49 years:		
Male	1.89	0.32
Female	0.88	0.25
50 years and over:		
Male	−0.59	0.34
Female	−1.24	0.29
Housing Tenure:		
In owner-occupied housing units	0.04	0.21
In nonowner-occupied housing units	4.51	0.43

Review of the Quality of the Census Operations

Conclusions for This Section

While many elements of the design of Census 2000 were fundamentally similar to the 1990 census, there were numerous major changes. These included involving local governments in the address list building process, increasing methods for answering the census, designing a simplified questionnaire, developing a multi-step mailing strategy, creating a paid advertising campaign, and restructuring the pay scale for temporary workers. The paid advertising campaign (over $100 million dollars) allowed for a saturation of census awareness across the nation, particularly for the minority communities. The restructured pay scale meant that the census could compete successfully with other employers to hire the number and quality of field workers it needed to conduct the census well.

Operationally, Census 2000 was a success. The census data collection was accomplished on schedule with only a few exceptions. A review of the evidence from field reports and quality assurance processes indicates that Census 2000 programs functioned effectively within design parameters.

Analysis Reports Important to This Section

(All Analysis Reports cited in the text are in the DSSD Census 2000 Procedures and Operations Memorandum Series B)

- Report B–2: ''Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation,'' by James Farber.
- Report B–3: ''Quality of Census 2000 Processes,'' by James B. Treat, Nicholas S. Alberti, Jennifer W. Reichert et al.

Discussion

As documented extensively by Census Bureau and outside statisticians, every census since at least 1940 has experienced both a net undercount and a substantial differential undercount. In particular, the data reveal a persistent differential undercount between the Black and non-Black populations, as well as differential undercounts for other minority groups and for children.

Many elements of the design of Census 2000 were fundamentally similar to the design of the 1990 census. Address lists were prepared using a variety of sources, and questionnaires were delivered to each address on the list. Questionnaires were principally delivered by the U.S. Postal Service; however, in areas with rural style addresses, census workers delivered the questionnaires. Households receiving questionnaires were asked to return the questionnaires by mail, although in some very rural or isolated areas households were interviewed by census enumerators as the enumerators verified and updated the address list. Those addresses that did not return a questionnaire by mail were followed up by census workers in the Nonresponse Follow-up operation (NRFU). NRFU was followed by special coverage improvement follow-up operations, which, among other things, included contacting addresses listed as vacant or nonexistent by the NRFU field staff. Each of these operations had its own quality control procedures.

The Census 2000 plan, however, included several important innovations to the census process designed to improve census accuracy. Prior to Census 2000, the Census Bureau worked closely with local and tribal governments through the Local Update of Census Addresses (LUCA) program to review and update the address list. During LUCA, local and tribal government officials were given the opportunity to review the Census Bureau's address list and identify missing addresses for inclusion in the census. The Census Bureau also implemented the New Construction Program, during which local governments were invited to submit addresses for housing units that had been built subsequent to the completion of the address list in January 2000. The ''Be Counted'' program was also new in Census 2000. ''Be Counted'' forms were provided to individuals who believed that they might have been missed in the initial distribution of census questionnaires, as well as to individuals without any usual residence. The ''Be Counted'' forms were made available to the public at walk-in Census 2000 assistance centers and at a variety of public locations identified through consultation with local organizations. In addition, Census 2000 questionnaires were available upon request in six languages and language assistance guides were available in more than forty languages. Households also were given the opportunity to respond to Census 2000 by telephone or via the Internet.

To encourage households to respond to Census 2000, the Census Bureau initiated the largest promotion and outreach effort in its history for a decennial census. The Census Bureau established approximately 140,000 partnerships with a wide range of government and nongovernment organizations at the national and local levels. Organizations throughout the United States and Puerto Rico implemented promotional activities to educate the public about the importance of participating in the census. Then, starting in November 1999, the Census Bureau launched the first-ever paid advertising campaign for a census. This campaign was extended in targeted cities to encourage cooperation with enumerators during the NRFU operation. Other efforts included the distribution of numerous news releases and a number of video news feeds tailored to local areas to media outlets to generate media coverage during the various stages of Census 2000.

The Census Bureau then implemented the A.C.E. because it expected that, while these innovations would improve the results of the census, the phenomenon of the differential undercount would continue. The A.C.E. is designed to serve as a quality check on the census counts obtained after all other operations planned for Census 2000 were completed. In effect, the goal of the A.C.E. is to make a good census even better.

The discussion in this document is not meant to be a complete evaluation of census operations, but rather focuses on information relevant to the question of the level and pattern of census omissions or erroneous inclusions, because this information is directly relevant to understanding and assessing the results of the A.C.E.

We will discuss what is known about the following major operations:

- Address List Development
- Questionnaire Delivery and Return
- Nonresponse Follow-up
- The ''Be Counted'' Campaign
- Coverage Edit Follow-up
- Coverage Improvement Follow-up
- Housing Unit Duplication Operation [33]
- Primary Selection Algorithm
- Unclassified Unit and Missing Data Estimation

Address List Development

Address list development was conducted over several years, and the vast majority (96.7 percent) of addresses were listed before questionnaire delivery. One major change from previous censuses was the inclusion of the Local Update of Census Addresses (LUCA) program, during which the Census Bureau solicited the help of local governments in the address list building operation. LUCA was successful in adding approximately five million housing units to the address list [34]. However, anecdotal evidence suggests that the LUCA program may also have contributed duplicate addresses to the Master Address File (MAF). Duplicate addresses may have been erroneously added because the Census Bureau and local governments refer to the same address in different ways.

The address list development process included several quality assurance programs. These programs had the following objectives: to prevent errors due to lack of knowledge or understanding on the part of the lister, to control coverage and content errors, and to promote continuous improvement of performance. In general, the preliminary quality

[33] The Housing Unit Duplication Operation was a special operation designed and instituted after the Coverage Improvement Follow-up to reduce the level of housing unit duplication. This operation has special implications for census coverage and the conduct of the A.C.E.

[34] Many of the adds were also added by other operations. At this time, we do not know the extent of the overlap. That is, the five million figure cannot be considered as a net addition.

assurance results for address list development are within the expected range for each of the programs.

Questionnaire Delivery and Return

The United States Postal Service or census workers delivered questionnaires to the vast majority of addresses on the address list. As in previous censuses, a certain number of questionnaires were misdelivered. For example, the questionnaire intended for Apartment A might have been delivered to Apartment B and vice versa. We have not quantified the level of questionnaire mis-delivery.

Householders were asked to return the questionnaires by mail. Since the Census Bureau does not expect mail responses from vacant or nonexistent housing units, the relevant measure of cooperation is the return rate, that is, the proportion of occupied housing units that returned their questionnaire. This measure differs from the response rate, which while available earlier in the census process, includes vacant and nonexistent housing units in the denominator. As measured by the return rate, the cooperation of the public with Census 2000 was approximately the same as in the 1990 census. The 2000 return rate (72 percent) is approximately the same as the 1990 return rate (74 percent). The comparison is not exact because the universes are slightly different.

Considering the general trend downward in return rates between censuses and for survey interviews in general, the Census Bureau considers the Census 2000 return rate to be a major success.

Nonresponse Follow-up

During Nonresponse Follow-up (NRFU), census workers visited each household that the address list identified as not yet having returned a mail questionnaire. In Census 2000, approximately 42 million households were included in the NRFU process. Thanks in large part to adequate funding provided by Congress, pay rates and levels of staffing in 2000 were far better than in the past two censuses. We believe that this increased funding and the ability to hire adequate staff contributed to an improvement in NRFU quality.

For most LCOs, NRFU was completed as scheduled in a nine-week period between April 27, 2000, and June 26, 2000. This performance compares favorably with 1990, when NRFU was conducted over a 14-week period from April 26 though July 30. The Census Bureau believes that, all other things being equal, NRFU interviews conducted closer to Census Day are likely of higher quality.

Local NRFU problems were identified in a few local census offices, including the local census office in Hialeah, Florida. The Census Bureau responded to the localized problems in the Hialeah office by re-enumerating certain areas that were believed to have faulty data. The Census Bureau does not believe that net coverage in the Hialeah or any other local census office was substantially affected by these local problems; the NRFU operation for the nation as a whole was good to excellent.

The NRFU quality assurance program was conducted through a random and targeted reinterview program which had the following three objectives:

- Prevent errors due to lack of knowledge or understanding
- Control coverage and content errors
- Promote continuous improvement of performance

Preliminary NRFU quality assurance results show that the reinterview workload was 6 percent, slightly above the expected workload of five percent. Discrepant cases were found in approximately three percent of the reinterview cases. Some local census offices experienced delays in starting their reinterview programs, which may have hindered the reinterviewers' ability to accurately verify the census data. A significant number of quality assurance forms were lost and/or completed incorrectly. (Report B–3, ''Quality of Census 2000 Processes'')

In spite of local imperfections, the NRFU program as a whole was largely successful. The better pay and staffing seemed to have resulted in a more professional and controlled labor force. The local problems and quality assurance shortcomings were similar to problems encountered in previous censuses and should be expected in any nonrecurring operation of this magnitude.

Be Counted Campaign

The ''Be Counted'' campaign was designed to allow people who thought they may have been missed by the census to send in a ''Be Counted'' form, listing themselves and their April 1, 2000, address. The Census Bureau had hoped that this campaign would allow for improved cooperation and coverage. The National Academy of Science and others feared that large numbers of ''Be Counted'' forms would overwhelm the system and lead to increased person duplication.

Neither the hopes nor the fears relating to the ''Be Counted'' campaign were realized. The Be Counted workload was only approximately 600,000, with no large local clusters observed. Its impact on net coverage for any group or area was minimal, and it is not believed to have contributed to housing unit duplication.

Coverage Edit Follow-up

Under certain circumstances, the Census Bureau would call a responding household on the telephone to gain additional information. This extra effort, called Coverage Edit Follow-up (CEFU), was designed to improve within-household coverage, especially for large households. The census questionnaire had room to collect data for six people and asked the respondent living in a household with more than six people to list the additional residents. In CEFU, enumerators called these households and gathered the required information about the additional residents. In addition, CEFU was designed to follow up count discrepancies, or cases where the population count on the front of the questionnaire differed from the number of person responses inside the questionnaire.

Due to computer problems, the start of CEFU was delayed until May 8, 2000. It ran through August 13, 2000. Originally, it was planned for April 5, 2000, through June 19, 2000. This delay may have made it more difficult to obtain good information from households with more than six residents because some of the residents may have moved. In addition, CEFU had no provision to contact large households without telephones. When the Census Bureau could not secure good CEFU data on listed additional residents, it imputed their characteristics; to do otherwise would have decreased net coverage. Thus, the CEFU operation may have resulted in some small coverage loss compared to previous censuses, but this possible loss has not yet been quantified and is not expected to be significant, given the use of imputation.

Coverage Improvement Follow-up

Coverage Improvement Follow-up (CIFU) was designed as a check on addresses that were determined during the NRFU operation to be vacant or deleted (nonexistent). CIFU was also used for addresses requiring follow-up that were identified too late to be included in NRFU. CIFU was conducted from June 26 until September 13. Both the 1980 and the 1990 censuses included similar operations.

CIFU was conducted on 6.5 million addresses for which the housing unit was listed as vacant or non existent in NRFU. CIFU determined that 1.5 million of these units were, in fact,

occupied. In addition, CIFU included 2.2 million other addresses that had been added to the MAF after the initial mail out, such as those that resulted from the New Construction or Update/Leave programs.

The quality assurance procedures on CIFU included a questionnaire review, a dependent review and data entry quality assurance. The dependent review was conducted on housing units identified as vacant or nonexistent and excluded certain occupied units for time and budgetary considerations. Some districts may have had a difficult time completing all of the dependent reviews. A significant number of quality assurance forms were lost and/or completed incorrectly. These lost/incorrect forms make any analysis of outgoing quality difficult. (Report B–3, ''Quality of Census 2000 Processes'')

Housing Unit Duplication Operation

The Census Bureau observed tentative indications as the census progressed that the MAF might contain a significant number of duplicate addresses. The Census Bureau also concluded that the Hundred Percent Census Unedited File (HCUF) might contain a significant number of duplicated persons, many of which are assigned to duplicated addresses. The Census Bureau responded to this problem by designing and conducting the Housing Unit Duplication Operation (HUDO). While this program was not prespecified, the Census Bureau believed that failure to address this potential problem could impair the accuracy of the apportionment numbers. Using the results of an address matching operation and a person matching operation, 2,411,743 address listings (address ID's) were analyzed on an aggregate basis to see whether these addresses were likely to correspond to other addresses already contained in the listing. Based on this analysis, 1,392,686 address IDs were permanently removed from the HCUF; after further review to identify units that may have been removed in error, the remaining 1,019,057 addresses were reinstated and included in the census results. The HUDO was designed solely to remove address/housing unit duplication. The software used for this process was carefully checked.

Primary Selection Algorithm

Census questionnaires contain a unique ID, an identifier that the Census Bureau uses to make sure it records the information for each household only once. Nonetheless, the Census Bureau sometimes receives more than one questionnaire for a single address ID. For example, a household might mail back its questionnaire after the Census Bureau had already created NRFU assignment lists; a NRFU interviewer would then get an interview for a household that had already mailed back its response. As a further example, a ''Be Counted'' form might be received for a household with a completed census questionnaire. Since NRFU households identified as vacant are sent to CIFU, sometimes multiple questionnaires are generated by design. That is to say that we expect to have one questionnaire from NRFU and another from CIFU. The Primary Selection Algorithm (PSA) examines these multiple questionnaires to form one household to represent the housing unit in the census, sometimes by combining information from more than one questionnaire. The PSA was designed to prevent both overcoverage (including people more than once) and undercoverage (deleting too many people).

Multiple returns were received for less than 10 percent of the address IDs. However, many of these multiple returns were from vacant units or multiple listings of the same people on two IDs. The number of people in a household was found to be larger than the number reported on the most complete questionnaire for fewer than 300,000 IDs. In other words, PSA resulted in an increase of individuals in fewer than 300,000 housing units.

Although no formal evaluation has been completed, the PSA was well programmed and well tested. The results are consistent with the overall design of the PSA and of the census.

Unclassified Unit and Missing Data Estimation

As in the past, Census 2000 had some housing unit records listed on the MAF for which the Census Bureau could not gain information. In addition, there were a small number of housing units which the Census Bureau knows to be occupied but for which it could not secure precise information about the individuals living in that unit. The census process could not always determine whether other units are occupied or vacant. Sometimes, the unit was determined to be occupied, but the number of residents could not be determined. In each of these cases, a statistical process known as ''imputation'' is used to estimate the number of people living in these units.

Preliminary results indicate that almost 0.4 percent of person records were in housing units on the preliminary HCUF were missing a status of occupied, vacant or nonexistent, indicating that the residents of the housing unit were imputed. For states, the imputation percent ranged from 0.2 percent to 1.1 percent. In 1990, about 0.02 percent of people in unclassified units were imputed.

In addition, Census 2000 encountered whole households where the number of people could be determined, but the person records for these residents were missing. In accordance with past practice, the Census Bureau used imputation techniques to estimate characteristics for these people. About 0.8 percent were imputed with this technique.

The total person substituted persons in the Census 2000 is approximately 1.3 percent. The percent of substituted persons in 1990 was only about 0.7 percent.

Review of A.C.E. Operations

Similar to its review of the operations in the initial census, the Census Bureau has reviewed the A.C.E. operations to identify any deviations from specified procedures and to assess the extent to which the operations were under management control.

Proper Execution of the Steps Between Processing and Estimation

Conclusions for This Section

The A.C.E. was carried out as designed, with only minor modifications. Each modification was well documented and justified by good statistical practice. No steps were skipped because of lack of time or resources, and there was no manipulation of the results or distortions resulting from outside pressures. There is a clear and traceable path from the data collected by the interviewer to the final results. The Census Bureau carried out the A.C.E. according to its public plan, and the steps between processing and estimation were properly executed.

Analysis Reports Important to This Section

- Report B–7: ''Accuracy and Coverage Evaluation Survey: Missing Data Results,'' by Patrick J. Cantwell.
- Report B–8: ''Accuracy and Coverage Evaluation Survey: Decomposition of Dual System Estimate Components,'' by Thomas Mule.
- Report B–9: ''Accuracy and Coverage Evaluation Survey: Dual System Estimation Results,'' by Peter P. Davis.

Discussion

The A.C.E. methodology planned for Census 2000 involves comparing (matching) the information from an independent sample survey to initial census records. In this process, the

Census Bureau conducts field interviewing and computerized and clerical matching of the records. Using the results of this matching, the Census Bureau applies the statistical methodology of Dual System Estimation (DSE) to develop coverage correction factors for various population groups. The results are then applied to the census files to produce the adjusted census data.

One concern sometimes expressed about statistical correction is that statistical processes could be subject to manipulation. The Census Bureau believes that this notion is not well founded. The A.C.E. was publicly prespecified to assuage these concerns. The first step in reviewing the A.C.E. is to evaluate A.C.E. operations to determine whether the prespecified procedures were followed and documented. The Census Bureau's analysis found that all planned A.C.E. operations were carried out in close adherence to the prespecified design, with the two exceptions noted below.

The supporting analysis reports review each of the steps in the A.C.E. operation from the creation of the A.C.E. micro-records to the computation of the final adjustment factors. In particular, Report B–8, ''Decomposition of Dual System Estimate Components,'' presents an accounting of the A.C.E. estimation components so that the results can be independently verified. Beginning with records with complete data (meaning records with both post-stratification variables and enumeration status) the accounting then proceeds through each stage of missing data adjustment and sample weighting until the final weighted ''matched'' results are provided (which are the results that are the input data for the dual system estimates). Report B–8 allows an informed reader to see clearly how the final results were derived and to understand the relative effect of the estimation steps on the results.

Report B–7, ''Missing Data Results,'' shows in detail the effects of individual missing data estimation steps upon the weighted matching results. Report B–9, ''Dual System Estimation Results,'' provides detailed DSE computations together with useful ''roll-ups'' that aggregate the results by age and sex, minority/nonminority, or other useful summations. This document allows the reader to verify how the final coverage correction factors are computed from the input data.

These three documents, taken together, demonstrate how the final coverage correction factors were derived from the micro-level data and document that the prespecified procedures were followed, with the following exceptions.

The following two changes from the prespecified procedures arose from the unexpected availability of important information in time to improve the A.C.E. estimation:

- The A.C.E. plan provided that cells could be collapsed because of cell size but did not explicitly include variance as a reason for collapsing. We modified these rules because the estimated variance for one cell was unusually large. The design had not anticipated having variance estimates available in time to permit their use in collapsing. When the variances became available earlier than anticipated, the Census Bureau's statistical staff determined the collapsing of ''outlier'' poststrata was appropriate. This change did not deviate from the purpose or spirit of the prespecified collapsing rules but allowed a more precise application. The change was discussed with the ESCAP and documented.
- Our method for imputing unresolved match and residency status, namely imputation cell estimation, was modified because the results of the A.C.E. follow-up forms became available during the missing data estimation process (Report B–7, ''Person Matching and Follow-up Results''). The prespecified design had not anticipated that these data would be available in time to be used in missing data estimation. Analysis of the data indicated that some cases grouped together in the initial missing data design could be separated based on the keyed follow-up results, allowing for a more precise imputation. This change is consistent with normal statistical practice and was discussed with the ESCAP and documented.

Conduct and Control of the A.C.E. Operations

Conclusions for This Section

The A.C.E. was an operational success; it was properly conducted and encountered no unanticipated difficulties. Listing, interviewing, matching, and follow-up were all conducted as designed and were all in control.[35]

[35] A more extensive description of the A.C.E. can be found in Howard Hogan's paper, ''Accuracy and Coverage Evaluation: Theory and Application,'' prepared for the February 2–3, 2000, DSE Workshop of the National Academy of Sciences Panel to Review the 2000 Census; and Danny R. Childers and Deborah A. Fenstermaker, ''Accuracy and Coverage Evaluation: Overview of Design,'' DSSD Census Procedures and Operations Memorandum Series S–DT–02, U.S. Census Bureau, Washington, D.C., January 11, 2000.

Analysis Reports Important to This Section

- Report B–5: ''Accuracy and Coverage Evaluation Survey: Person Interviewing Results,'' by Rosemary L. Byrne, Lynn Imel, and Phawn Stallone.
- Report B–6: ''Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results,'' by Danny R. Childers, Rosemary L. Byrne, Tamara S. Admas, and Roxanne Feldpausch.
- Report B–7: ''Accuracy and Coverage Evaluation Survey: Missing Data Results,'' by Patrick J. Cantwell.

Discussion

The second aspect to this review is to establish that the A.C.E. operations were well conducted and well controlled. Reports B–5, ''Person Interviewing Results,'' B–6, ''Person Matching and Follow-up Results,'' and B–7, ''Missing Data Results,'' taken together, establish that the operational quality of the A.C.E. was generally good and that the prespecified design was well followed.

Interviewing

One change from 1990 was the introduction of telephone interviewing. The Census Bureau implemented a telephone program to enhance the efficiency and quality of the A.C.E. interview. The Census Bureau believed that shortening the elapsed time from Census Day to the A.C.E. enumeration would improve data quality and that beginning interviewing early in a more easily controlled environment would allow the A.C.E. supervisors to gain valuable experience in conducting interviews and in operating their laptop computers before training the enumerators. The Census Bureau designed this process to maintain the independence between the A.C.E. and the other Census 2000 operations.

A.C.E. interviewing was an operational success. The A.C.E. interviewing finished on schedule by September 1, 2000, in every local census office except the Hialeah office, where census NRFU interviewing finished late (September 11, 2000) due to local difficulties. There were no major disruptions or delays introduced by the Computer Assisted Personal Interviewing (CAPI) instrument. The timely interviews allowed the Census Bureau to have an orderly completion of interviewing was a major accomplishment.

Twenty-nine percent of the total A.C.E. workload was completed during the telephone phase (April 24 through June 13). These A.C.E. interviews were conducted much closer to Census Day

(April 1) than had been possible in 1990, thereby reducing recall bias (the phenomenon of a respondent not remembering the actual situation several months earlier). By design, the telephone phase was restricted to a limited universe of households that were deemed unlikely to have any exposure to continuing census operations. These were primarily households that had mailed back their questionnaires, that had included a telephone number on the questionnaire, and that did not live in certain multi-unit or rural structures. The Census Bureau's conservative use of this interview mode meant that more than 99 percent of the telephone cases were classified as complete or partial interviews and were conducted with a household member.

TABLE 3.—DISTRIBUTION OF INTERVIEWS BY WEEK—UNWEIGHTED

Phase	Week starting on	Number of cases	Cumulative percent of person interviewing workload
Telephone	April 23, 2000	7,699	2.6
	April 30, 2000	20,590	9.4
	May 7, 2000	25,638	17.9
	May 14, 2000	19,7282	4.5
	May 21, 2000	10,497	28.0
	May 28, 2000	3,232	29.1
	June 4, 2000	1,154	29.5
	June 11, 2000	35	29.5
Personal Visit	June 18, 2000	45,204	44.5
	June 25, 2000	57,241	63.5
	July 2, 2000	41,642	77.3
	July 9, 2000	31,344	87.7
	July 16, 2000	17,038	93.4
	July 23, 2000	7,764	96.0
	July 30, 2000	5,057	97.7
	Aug 6, 2000	3,982	99.0
	Aug 13, 2000	1,756	99.6
	Aug 20, 2000	939	99.9
	Aug 27, 2000	336	100.0
	Sept 3, 2000	36	100.0
	Sept 10, 2000	1	100.0

Source: Accuracy and Coverage Evaluation Survey 2000— housing unit data collected by the Computer Assisted Personal Interviewing (CAPI) instrument. Report B–5, ''Person Interviewing Results.''

The automated Computer Assisted Person Interviewing (CAPI) increased the quality of the data captured in the A.C.E. interviews, as the instrument included data edits to ensure a predetermined quality of data before the interview was considered complete. This was not possible with the paper and pencil 1990 instrument. It insured that the interviewer followed the correct path through the interview. CAPI also allowed quick feedback to the interviewers. The Census Bureau's observations and debriefings indicated that CAPI instilled the interviewers with a sense of professionalism and purpose. Observations also indicated that the use of laptop computers enhanced the respect and cooperation exhibited toward the interviewers by the respondent households thereby leading to improved A.C.E. data quality. However, there were a couple of small problems with the CAPI instrument that had minor impacts on quality.

The Nonresponse Conversion Operation (NRCO) was designed to ''convert'' nonresponse cases, that is, to obtain A.C.E. information for nonresponding households. On a national basis, the NRCO operation successfully converted 70.8 percent of its cases to complete interviews and 14.1 percent to partial interviews. Only 2.2 percent of the cases finished as refusals.

A.C.E. interview rates were very high. The A.C.E. asked questions about both the household living at the address on Census Day and the current household. Because of this, there are two measures of household nonresponse. The rate for occupied housing units on Census Day was 97.1 percent; on the date of the A.C.E. interview, the rate for occupied housing units was 98.8 percent.

These rates compare favorably to the approximately 98.4 percent (unweighted) in the 1990 Post-Enumeration Survey. The unweighted rates for 2000 were 97.0 and 98.9, respectively. Due to the high rate of response, most of the noninterview adjustment factors were very close to one. Consequently, this operation did not change the final weights very much. This helps to keep down the variance of the survey weights.

Missing data rates for characteristic data were very low, ranging from 1.4 percent to 2.4 percent. Compared to the 1990 PES, the rates of characteristic missing data are slightly higher for the age and sex characteristics and slightly lower for tenure and race. Again, this is indicative of good quality interviewing.

The goal of A.C.E. interviewing quality assurance was to ensure that the interviewers did, in fact, visit the designated households, and to prevent systematic errors caused by of lack of knowledge or understanding. The evidence indicates that the A.C.E. interviewing quality assurance operation was properly implemented and successful. A total of 11.6 percent of the cases were subject to random or targeted quality assurance checks. We assume that the 88.4 percent of the cases not in quality assurance share the favorable error rates of the randomly selected cases (0.13 percent). This may have been reduced further as 171 of the remaining errors were corrected in the targeted QA sample.

Matching and Follow-up

Matching refers to the process of determining whether an individual enumerated in the A.C.E. was the same person as an individual enumerated in the census. The matching and follow-up

process also determines whether a census record in the E-Sample [36] was complete and correct. Errors in matching can significantly affect undercount estimates; highly accurate matching and processing are an important component of A.C.E. methodology.

Although neither Secretary Mosbacher nor the Committee on Adjustment of Postcensal Estimates (CAPE) identified matching error as a significant problem with the 1990 PES, the Census Bureau made significant improvements to the matching process in the 2000 A.C.E. design. The A.C.E. computer matched the P-sample to the census using the Census Bureau's Statistical Research Division Record Linkage System, a system that the Census Bureau has been developing, testing and using for nearly two decades. Clerical personnel at a centralized location reviewed records that were not matched by the computer matcher. The Census Bureau utilized an ample staff of over 200 clerks, 46 technicians, and 16 analysts so that each successive level of review could perform quality assurance on the previous level. Higher level staff independently reviewed a sample of each employee's work, a process designed to identify random matching errors. Each of the matching levels improved on the previous level. The clerks matched what the computer could not. The technicians worked on any cases the clerks could not resolve and performed the quality assurance on the clerks' cases. Then the analysts finished any cases the technicians could not resolve and performed quality assurance on the technicians' cases.

The results indicate computer matching of 69.6 percent of the P-sample and 64.4 percent of the E-sample. The computer matcher assigned matches very conservatively. Numerous studies over the years have shown that this operation produces insignificant numbers of false matches. Therefore, all questionable matches, possible matches, and near matches are left for clerical review. All nonmatches were clerically reviewed.

We have quality assurance results only on the quality of the clerical matching in the before follow-up stage and the first three stages of after follow-up. The Census Bureau measures matching quality relative to the results that would be produced by the Census Bureau's most experienced and best trained matchers, the 16 analysts permanently employed by the Census Bureau. The quality of the matching process is further measured in terms of changes made by the next level of review; this process tends to overstate the matching error, as not all changes are the result of erroneous matching. However, given these caveats, the outgoing quality rate (the final match rate) for before follow-up was well more than 99 percent. For after follow-up, the outgoing quality rate was also well more than 99 percent. These rates are calculated based on the before follow-up and the after follow-up workload and not on the total number of sample cases, that is, they do not include the cases matched by computer. These rates exceed expectations and are indicative of high quality matching.

Person follow-up is also an important A.C.E. process. The follow-up resolves possible matches and, most importantly, determines which E-sample nonmatches are, nonetheless, correctly enumerated in the census. The person follow-up interviews were conducted either by permanent census field staff or by experienced decennial interviewers and the quality assurance operation was targeted at ensuring that the interview was conducted. Of the randomly selected person follow-up quality assurance cases, 0.45 percent resulted in a discrepancy, that is, only 0.45 percent determined that the person follow-up interview may not have been conducted. We can assume that the remaining 84,843 cases not randomly selected for quality assurance have the same rate of failure or roughly 400 cases total that may have not been conducted. In addition, we corrected 84 of those cases in the targeted samples.

Review of A.C.E. Quality

The review in the previous section established that the A.C.E. was conducted as designed. This section will take the next step and evaluate the quality of the A.C.E. as implemented.

Our review of A.C.E. quality has two aspects. First, we review the available data relating to selected individual components of A.C.E. error. The second part of the A.C.E. quality review synthesizes what is known about the components of error into a few indicators of overall relative accuracy for both the adjusted and the unadjusted census results.

Individual Components of A.C.E. Quality

Sampling Variance

Conclusions for This Section

The A.C.E. significantly reduced sampling variance relative to the 1990 PES. This result was achieved by nearly doubling the sample size coupled with significant improvements in the sample design.

Analysis Reports Important to This Section

- Report B–9: ''Accuracy and Coverage Evaluation Survey: Dual System Estimation Results,'' by Peter P. Davis.
- Report B–11: ''Accuracy and Coverage Evaluation Survey: Variance Estimates by Size of Geographic Area,'' by Michael D. Starsinic, Charles D. Sissel, and Mark E. Asiala.

Discussion

The dual system estimate shows that the Census 2000 undercount rate for the national household population is 1.18 percent, with a standard error of 0.13 percent. The net undercount for the 1990 census was estimated at 1.61 percent, with a standard error of 0.20 percent (see table 2, above). Comparisons by poststrata between 1990 and 2000 are necessarily inexact as the universe differs (2000 includes only the household population) and the exact poststrata definitions are different. Still, some comparisons are instructive. The standard error for owners was reduced from 0.21 percent to 0.14 percent, and the standard error for non-owners fell from 0.43 percent to 0.26 percent. The measured standard error fell for all comparable race/origin groups and for each age/sex group. The estimated standard error was comparatively high for the two groups estimated separately for the first time: Hawaiian and Pacific Islanders (2.77 percent) and American Indians and Alaskan Natives living off reservation (1.33 percent). As we will see, these groups also had high levels of inconsistent reporting between the census and the A.C.E. The estimated standard error for American Indians living on reservations fell dramatically from 5.29 percent to 1.2 percent. The standard error for Asians was 0.64 percent. For Hispanics, it was 0.38 percent, and for non-Hispanic Blacks it was 0.35 percent.

Table 4 gives the estimated percent net undercount and standard errors for the 64 major poststratum groups. The standard errors for several groups are above 1 percent and for a few small groups are up to 4 percent. Because the populations of these groups are small,

[36] The E-sample refers to the sample of census data defined person records selected for inclusion in the A.C.E. The P-sample refers to the independent sample of people included in the initial A.C.E. interview.

their high variances will have only limited impact on geographic variance.

• For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

• A negative net undercount denotes a net overcount.

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Table 4a: Census 2000 A.C.E. 64 Post-Stratum Groups - Percent Net Undercount

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.81	0.01	0.36	-0.38	-3.62	-2.61	2.19	1.14
		Medium MSA MO/MB	0.30	-0.12	0.46	-0.28	-4.39	-0.33	0.66	1.81
		Small MSA & Non-MSA MO/MB	-0.25	0.14	0.44	0.30	2.29	2.61	2.09	2.71
		All Other TEAs	1.84	-1.11	1.34	0.85	0.56	-0.16	0.15	1.59
	Non-Owner	Large MSA MO/MB	1.82				1.02			
		Medium MSA MO/MB	0.61				2.83			
		Small MSA & Non-MSA MO/MB	2.45				3.61			
		All Other TEAs	1.64				4.08			
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	1.63				-1.31			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	0.07				0.46			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	4.18				3.42			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.64				0.12			
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	1.46				0.04			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.66				1.08			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	3.52				4.98			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	4.88				10.74			
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		2.71							
	Non-Owner		6.58							
Domain 6 (Non-Hispanic Asian)	Owner		0.55							
	Non-Owner		1.58							
American Indian or Alaska Native — **Domain 1** (On Reservation)	Owner		5.04							
	Non-Owner		4.10							
Domain 2 (Off Reservation)	Owner		1.60							
	Non-Owner		5.57							

• For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

• A negative net undercount denotes a net overcount.

Table 4b: Census 2000 A.C.E. 64 Post-Stratum Groups - Standard Error of the Net Undercount

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.43	0.36	0.87	0.45	1.05	1.43	1.54	2.09
		Medium MSA MO/MB	0.85	0.28	0.42	0.38	1.52	0.84	1.10	2.79
		Small MSA & Non-MSA MO/MB	1.33	0.40	0.43	0.57	3.60	2.12	1.08	1.49
		All Other TEAs	1.06	0.39	0.97	1.66	2.17	1.21	0.65	1.89
	Non-Owner	Large MSA MO/MB	0.63				1.01			
		Medium MSA MO/MB	0.71				1.24			
		Small MSA & Non-MSA MO/MB	0.51				1.24			
		All Other TEAs	0.94				1.67			
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	0.56				1.24			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.07				1.86			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.66				1.05			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	0.96				2.08			
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	0.52				1.26			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.01				2.09			
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.67				1.12			
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.55				4.12			
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		3.83							
	Non-Owner		4.07							
Domain 6 (Non-Hispanic Asian)	Owner		0.87							
	Non-Owner		0.98							
American Indian or Alaska Native — **Domain 1** (On Reservation)	Owner		1.45							
	Non-Owner		1.42							
Domain 2 (Off Reservation)	Owner		1.95							
	Non-Owner		2.02							

• For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

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At the state level, the median coefficient of variation (CV) for state population totals dropped from 0.41 percent in 1990 to 0.24 percent in 2000. More important, the median CV for the congressional districts dropped from 0.5 percent to 0.3 percent. Similar drops in the CV of 40 percent to 50 percent were estimated for counties and places larger than 100,000.

This decrease in sampling variance is due to the much larger sample size of the A.C.E. relative to the PES: 300,913 housing units in 11,303 clusters for the A.C.E., versus 165,000 housing units in approximately 5,000 clusters for the 1990 PES. Better measures of population size in the sample selection of block clusters, better subsampling methods, better methods of treating ''small blocks,'' and a reduction in the variability of sampling weights all contributed to this reduction.

One simple analysis was to compare estimated undercount rates from the A.C.E. with estimated confidence levels. We can compare the undercounts among the 64 post-strata groups (collapsed over age and sex) with their confidence intervals. Of course, care must be taken in this analysis, with proper correction for multiple comparisons.

This analysis clearly showed that the A.C.E. results cannot be dismissed as ''simply variance.'' (See Report B–9, ''Dual System Estimation Results'') A clear pattern of minority undercount and a most pronounced undercount of minority renters emerged. This pattern is consistent with differential undercount patterns found in all prior censuses.

Consistent Reporting of Census Day Residence

Conclusions for this Section

The consistency of reporting of Census Day address should be better than in 1990 due to the interviews occurring closer to Census Day and better quality interviewing made possible with the CAPI instrument.

Analysis Reports Important to This Section

- Report B–5: ''Accuracy and Coverage Evaluation Survey: Person Interviewing Results,'' by Rosemary L Bryne, Lynn Imel, and Phawn Stallone.

Discussion

Proper application of the DSE model requires consistent reporting of Census Day residence between the P and E-samples. If a person who was sampled in the P-sample reports a different Census Day residence than he/she reported in the E-sample, then that person could be considered both missed (based on the P-sample) and correctly enumerated (based on the E-sample), or conversely, both enumerated (based on the P-sample) and not correctly enumerated (based on the E-sample). Since many people fall only into either the P or the E-sample, measuring consistent reporting is an important task. When a person is in both the P and the E-sample, consistent reporting between the two systems is not a problem because we use the same interview for both samples. However, some individuals have two interviews, one in the P-sample and one in the E-sample. For example, we use the initial A.C.E. interview for individuals in the P-sample to determine their correct Census Day residence. However, if an individual was missed by the A.C.E. but included in the initial census, we would use the A.C.E. follow-up interview to determine Census Day residence. Even for matched people, if the person was duplicated by the census, we might have a different interview at each identified census household. Since these interviews use different survey questionnaires, and are administered at different times by different interviewers to potentially different respondents, there is a chance that the two interviews could result in different correct Census Day residences for the same person. Inconsistency in Census Day address reporting can influence the dual system estimates.

The 1990 Evaluations (P studies) measured the consistency of reporting Census Day addresses in the PES by comparing the reinterview to the production results. (See P—4, ''Address Misreporting''). One problem in 1990 was the misreporting of Census Day addresses, with an estimated 0.7 percent of the P-Sample being erroneously reported as nonmovers. (See P—4, ''Address Misreporting'') The 2000 A.C.E. improves on 1990 PES, in particular because the use of the CAPI instrument requires the interviewer to ask all questions in the interview form, a vast improvement over the 1990 PES pencil and paper interview.

There are two factors that should have increased the consistency of reporting census day addresses. First is the time schedule. The A.C.E. interviews were conducted much closer to Census Day than were the 1990 PES interviews. This would normally increase the accuracy of recall. In addition, the CAPI interview instrument forced the interviewers to ask all probes as to Census Day residence, again probably increasing consistency. In addition, the A.C.E. interview usually used proxy respondents for movers where the 1990 PES normally interviewed the mover household themselves. This has an unknown effect on consistency; however, we have no direct data on this at this time.

Matching Error

Conclusions for This Section

The matching error rate for 2000 is low with indications that it is substantially lower than that achieved in 1990.

Analysis Reports Important to This Section

- Report B–6: ''Person Matching and Follow-up Results, by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch''.

Discussion

Matching error refers to assigning the incorrect code to a P-sample record. Matching error can consist of assigning a code of ''matched'' to a true nonmatch case and vice-versa. It can also consist of assigning an unresolved code to a case that has sufficient information. Matching errors can directly influence the final dual system estimates. Matching errors have both a random and a systematic component. The random component will be partially reflected in the overall variance estimates.

Matching error was measured in 1990 by conducting a rematch study, that is, by going back after the fact and rematching a sample of cases. (P–7, ''Estimates of P-sample Matching Error from a Rematching Evaluation,'' P–10, ''Measurement of the Census Erroneous Enumeration Clerical Error Made in the Assignment of Enumeration Status''). A study of clerical error in the 1990 PES found error in coding matches (P–5a, ''Analysis of Fabrications from Evaluation Follow-up Data'') and erroneous enumerations (P–6, ''Fabrication in the P-sample—Interviewer Effect''). In 1990, codes were entered into a computer system, but the actual matching and duplicate searches were done using paper. We expected A.C.E. matching to be better controlled and more efficient because the clerical matching and quality assurance were fully automated and the matching was conducted at a single site. The automated interactive system does not prevent all matching error but should reduce the chances for error significantly. Our results confirmed these expectations.

The 1990 matching system matched both nonmovers (within E-sample area) and in-movers (who could be coded and matched in any area). The 1990 mover match system not only included several additional steps (mainly to

geographically code the Census Day address) but was also completely clerical. For the A.C.E., all matching was within the sample area or its surrounding blocks. The 2000 nonmover matching system was largely automated. The system was used to match both nonmovers and out-movers. The system was significantly more automated, with less clerical matching, and all clerical matching operations were conducted at one location. Comparisons to 1990 must take these changes into account. [37]

Other examples of the improvements in matching included:

- Electronic filtering allowed searching within a particular search area based on first name, last name, characteristics, and addresses. For example, the system allowed searching for all people named George, all people whose last name began with an H, all people on Elm Street, or all people between 30 and 40 years old.
- Only particular codes that fit the situation were allowed. For example, only P-sample nonmatch codes could be assigned a P-sample nonmatch after follow-up code.
- The electronic searches for duplicates reduced the tedious searching through paper lists of census people. The searching in 1990 was limited to printouts in two sorts: last name and household by address. In 2000, the clerks could search electronically by name, address, and other characteristics to help identify duplicates.
- Computer images of the Census questionnaire were easily accessible.
- The system monitored whether the matcher completed all the necessary searches such as looking for duplicates.
- Built in edits checked for consistent coding. For example, codes that applied to a household were assigned to all people in the household, such as a geographic code.
- The system automatically assigned certain codes, minimizing coding error.
- A code to indicate that the case needed review at the next level of matching was available to the clerical matchers. This code allowed them to flag unusual cases to be done by a person with more experience.
- All quality assurance for the clerical matching was automated. Therefore, the quality assurance component of the operation could not be skipped in 2000.
- Clerical matching was centralized at the National Processing Center instead of having different groups of matchers in seven processing offices, as was done in 1990. Forty-six technicians were hired in September 1999 and thoroughly trained in the design of the A.C.E. and matching of people and housing units. These technicians performed the quality assurance for the clerical matchers. Additionally, 16 analysts were our most experienced matchers. The analysts performed the quality assurance for the technicians and handled the most difficult cases.

The results of the matching quality assurance program constitute the primary information available for assessing the matching operation. This program gives us information about the level of error relative to that of our most experienced matching specialists. It should be noted that many of these same individuals participated in the 1990 PES. The results of the quality assurance process noted above and in B–6 show that we achieved a very high level of matching quality. The majority of cases were computer matched. The change rate for the clerical operation (the rate of cases that the next level of review concludes must be changed) is very low in any event an upper bound on the error rate.

A.C.E. Fabrications

Conclusions for This Section

Fabrication was more tightly controlled in the A.C.E. than it was in the 1990 PES because of the tighter field management control made possible by the CAPI instrument.

Analysis Reports Important to This Section

- Report B–6: ''Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results,'' by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch.

Discussion

Inclusion of fictitious people in the dual system estimates can create a bias unless the number of fictitious people is controlled for a small level. Fictitious records have little chance of being matched between the P and E-samples, which means that they can erroneously increase the undercount estimates. Fictitious records, of course, should not be included in either the P-sample or the census. Fabrications in the initial census are measured by the E-sample (See below). Here we concentrate upon fabrications in the P-Sample.

In 1990, the level of fabrication in the P-sample was measured by three studies evaluating different measures of potential fabrication. The first study (P–5, ''Analysis of P-sample Fabrications from PES Quality Control Data'') evaluated interviewer fabrication detected in the quality control operation (and rectified by the QC operation), as well as fabrication detected in the follow-up operation. The estimated number of fabricated persons remaining, at the national level, after the quality control operation was approximately 0.13 percent. The second study, using data from the 1990 Evaluation Follow-up, concluded that an additional 0.09 percent (weighted to the PES unweighted totals this figure represents 0.03 percent of the total sample) of the P-sample follow-up interviews included in the evaluation sample should have been coded as fictitious. (P–5a, ''Analysis of Fabrications from Evaluation Follow-up Data''). This evaluation was designed to identify P-sample fabrication not detected by the quality control procedure. A third study, (Project P6: ''Fabrication in the P-sample—Interviewer Effect'') compared the nonmatch rates of interviewers working in similar areas, while assuming that deviations from the nonmatch rate may have indicated undetected curbstoning. This study used a model to predict nonmatch rates and showed that between 0.9 percent and 6.5 percent overall of the interviewers were found to have high nonmatch rates, high rates that may have corresponded to dishonesty in their data collection.

We have evaluated potential fictitious records in the A.C.E. by reviewing detailed quality assurance results that document the level of detected fabrications in the initial A.C.E. interview, as well as measures of residual fabrication. In addition we have the results of the Person Follow-up interviewing, which should have detected whole household P-sample fabrications not detected by the interviewing quality assurance program. These sources allowed us to evaluate the level of A.C.E. fabrication.

The evidence indicates that the quality assurance was successful in controlling A.C.E. fabrications. Because the A.C.E. interview was taken on the CAPI instrument, it was ''time stamped'' so that field staff could use automated reports to quickly detect interviewers

[37] The A.C.E. design treats movers differently than in 1990, using a procedure called PES–C, rather than the 1990 procedure, PES–B. In 1990, movers were sampled where they lived at the time of the PES interview. The Census Bureau then searched the census records at the movers' April 1 usual residence to determine if they had been correctly enumerated in the census. This procedure was PES–B. In the PES–C procedure, the Census Bureau combined information on movers from two sources to produce an estimate of movers who were missed in Census 2000. First, an estimate of the total number of movers was calculated based on people who moved into the A.C.E. sample blocks between April 1, 2000, and the time of the A.C.E. interview. Second, the rate at which movers matched to Census 2000 was calculated by matching the Census Day residents of the A.C.E. sample housing units to the initial census records.

who reported odd interviews, such as rapid multiple interviews, interviews at odd hours (such as late night interviews), and other similarly unbelievable interview results. The CAPI instrument allowed field management staff to tightly monitor the behavior of the A.C.E. interviewers.

In addition, we examined the data to look for information relating to clusters, because fabrication is often highly clustered. An otherwise acceptable interviewer might, for example, suddenly fabricate his or her last assignment. The matching analysts kept a detailed record of any unusual clusters. These analysts could request special questions during follow-up or send additional cases to follow-up interviewing if they questioned the integrity of one interviewer's results. These records would provide an additional clue to whether there was substantial, clustered fabrication in the P-Sample. Analysts had the discretion to remove cases they believed to have been fabricated.

Missing Data

Conclusions for This Section

The level and pattern of missing data in the A.C.E. is comparable to that of the 1990 PES. The effect of the missing data on the overall A.C.E. quality is similar to that experienced by the 1990 PES and documented in the P studies.

Analysis Report Important to This Section

- Report B–7: ''Accuracy and Coverage Evaluation Survey: Missing Data Results,'' by Patrick J. Cantwell.

Discussion

Missing data can introduce uncertainty into DSE results. Missing data can contribute to variance and, if the missing data models are poorly specified, can also contribute to bias and differential bias.

Missing data has three components:

- Whole household noninterviews
- Unresolved match, residence, or enumeration status
- Missing demographic characteristics

This section focuses on the first two components of missing data: whole household noninterviews and unresolved match, residence, or enumeration status. The third component of missing data, missing postratification variables, will generally result in correlation bias or synthetic error and will be evaluated in connection with the analysis reports on those topics. Missing post-stratification variables tend to lead to correlation bias or synthetic error because this omission can increase heterogeneity and inconsistent post-stratification between the initial census and the A.C.E. High levels of missing data, particularly for unresolved match, residence, or enumeration status, also tend to increase variance. We have not evaluated how this type of missing data by itself increases variance because this component is largely picked up in our measure of sampling variance.

The 1990 PES dealt with movers by using Procedure-B. Under Procedure-B, missing data can occur when the interviewer fails to get information from the respondent, in either the initial interview or the follow-up interview, or the missing data can occur during follow-up. The 1990 PES had low rates of initial missing data, but a greater number of unresolved cases in the follow-up process. Procedure-B required geocoding the matching, making it possible that completed ''mover'' cases could not be used because of ambiguities in the geographic coding. Procedure-B, therefore, resulted in initially low rates of missing data but was responsible for additional missing data in later processes.

The effects of missing data on the 1990 results were studied in two ways. First, the modeled results were compared to the results of further field work on the nonresponse cases (P–3, ''Evaluation of Imputation Methodology for Unresolved Match Status Cases''). The field work largely validated the models. This alone is extremely important work as it clearly demonstrated that some of the extreme missing data adjustments sometimes proposed (for example assuming all nonresponse cases were missed) were not supported by the data. Second, additional 1990 studies (P–1, ''Analysis of Reasonable Imputation Alternatives'') tended to show the robustness of the results to reasonable alternatives.

There have been two important changes for Census 2000 that might affect missing data rates. First, we expected that the level of missing data in the A.C.E. interview might be higher because of a change in how we treated movers. In 1990 the Census Bureau only needed to interview the current residents, whereas in Census 2000, interviewers required information about both the current (A.C.E. Interview Day) residents and the Census Day residents. On the other hand, Procedure C, which we used in the A.C.E., eliminated the need to geographically code the Census Day address of ''in-movers,'' thus eliminating one potential source of missing data. Second, the CAPI instrument kept the interviewer on the correct set of questions and allowed for tight managerial control.

The A.C.E. used a different missing data model for unresolved match and residence status. The 1990 model was based on hierarchical logistic regression, while the 2000 model used the far simpler ''Imputation Cell Estimator.'' The input data and behavioral assumptions between the two models are similar but not identical.

The A.C.E. was able to maintain high quality interviewing and keep the level of missing data to low levels. This low level of missing data minimizes the effect on the final estimates of the missing data assumptions.

Noninterview in the P-sample: A.C.E. interview rates were very high. Among occupied housing units, the rates were 97.1 percent for Census Day and 98.8 percent for A.C.E. Interview Day. This compares to 98.4 percent (unweighted) in the 1990 PES. Due to the high response, most of the changes due to the noninterview adjustment factors applied were very small. This result helps to keep down the variance of the survey weights.

Unresolved resident status in the P-sample: The proportion of people with unresolved residence was very low, 2.2 percent. Thus, it appears that missing this item has only a minor effect on the estimation process. The missing data procedures assigned an average resident probability of 82.6 percent to people with unresolved resident status, which was, as designed, lower than the average rate among people with resolved status (98.2 percent).

Unresolved match status in the P-sample: Only 1.2 percent of the sample had unresolved match status, compared to 1.8 percent in the 1990 PES. We assigned an average match rate of 84.3 percent to people with unresolved match status, compared to 91.7 percent for those with resolved status. The low rate of unresolved match status implies only a small effect on the estimation.

Unresolved enumeration status in the E-sample: About 2.6 percent of the E-sample had unresolved enumeration status; it was 2.3 percent in the 1990 PES. The average rate of correct enumeration for people with unresolved status was 76.2 percent as compared with the 95.9 percent for those with resolved status.

The level and direction of the differences between resolved and unresolved cases are generally what we expected and are explainable by the design of the missing data estimation.

Balancing Error

Conclusions for This Section

Although detailed information is not yet available, the evidence now available does not permit us to conclude that there was no balancing error in 2000. One concern is that a number of E-sample cases were coded as correct even though they were outside the search area. This concern is discussed in a following section.

Analysis Report Important to This Section

- Report B–8: ''Accuracy and Coverage Evaluation Survey: Decomposition of Dual System Estimate Components,'' by Thomas Mule.
- Report B–18: ''Accuracy and Coverage Evaluation Survey: Effect of Targeted Extended Search,'' by Douglas B. Olson.

Discussion

Balancing error occurs when the set of correct enumerations records defined and measured in the E-sample does not correspond to the set of records against which P-sample matching is allowed. An important type of balancing error occurs when the search area, as defined and implemented in the E-sample, does not correspond to the search area as defined and implemented in the P-sample. The dual system model first determines the number of individuals who are correctly in the initial census (through the E-sample) and then the proportion of the true population that is correctly in the census (through the P-sample). If the E-sample and the P-sample use different definitions of ''correctly in the census,'' the model will not work. Specifically, if the P-sample allows matches, (that is, treats a person as correctly enumerated), if he/she was found anywhere in a wide area, but the E-sample treated as erroneous (that is, not correctly enumerated) any census record not in its correct block, then the P and E-samples are using different definitions about what constitutes a correct enumeration. Obviously, there would also be balancing error if the E-sample definition was broad, but the P-sample definition was narrow.

Balancing error, especially geographic balancing error, was a major concern in the 1980 post enumeration survey. The E-sample in 1980 counted a person as being correctly in the census only if he or she was counted in the correct Enumeration District. Enumerations outside the correct enumeration district were considered erroneous. However, the P-sample in 1980 searched several enumeration districts looking for a match. Thus some P-sample people were considered correctly enumerated because they matched to census records that would have been considered erroneous had these records been included in the E-sample. This particular problem was addressed in the 1990 PES by using identical search areas for nonmovers. A concern remained for movers. (P–11, ''Balancing Error Evaluation'').

The A.C.E. used a somewhat more complex balancing design than did the 1990 PES. One minor change was that the search area in 2000 was somewhat smaller, encompassing only the first ring of blocks of housing units around a census block. More important, not all cases were eligible for searching, coding, and matching in the surrounding ring; only whole household nonmatches and E-sample geocoding errors were eligible for surrounding block search. This search area is referred to as ''Targeted Extended Search'' or TES. The TES surrounding block search was also performed on a sample basis.

A major goal of extended search, whether targeted or not, is to reduce the variance of the estimators, especially for small estimation cells where census geocoding errors will not tend to cancel out. To assess the effect of TES, we compared correct enumeration rates and match rates for TES and non-TES cases.

Extended search can reduce A.C.E. bias due to A.C.E. P-sample and E-sample geocoding errors. If an A.C.E. address listing includes housing units outside the actual block, as defined by the census, an attempt to match only to the sample block will usually result in nonmatches for all units actually outside the block. This situation can lead to a high false measure of census omission and extending the search to the surrounding blocks reduces this bias. Extended search essentially converts a first order matching bias to a second or third order sampling bias.

In addition, it is possible for the A.C.E. E-sample follow-up to incorrectly code a housing unit as inside a block when the unit is actually just outside the block. Without extended search, this discrepancy would result in a unit coded ''correctly enumerated'' that was actually a geocoding error. With extended search, the enumeration of the unit is correct whether coded to the actual block or a surrounding block. Obviously, if the unit was actually located completely outside the search area, coding it to the block or a surrounding block (that is, ''correctly enumerated'') would be an error. There is evidence that this type of coding sometimes occurred, as discussed below.

A review of the results of Targeted Extended Search program (TES) has indicated an imbalance between P-sample matches to the surrounding block and E-sample enumerations coded as ''correctly counted in the surrounding block.'' Ideally, these should be similar. This result raised concerns. However, it is consistent with the presence of a small amount of A.C.E. P and E-sample geocoding error. Similar results were encountered in 1990. An imbalance may be due to the geographic miscoding of E-sample cases discussed below.

Errors in Measuring Census Erroneous Enumerations

Conclusions for This Section

In general, the evidence suggests that with the possible exception of geographic mis-geocoding, E-sample coding errors were controlled at least as well as in 1990. However, preliminary results from an early A.C.E. evaluation indicate that a number of E-sample cases coded as correct enumerations were in fact outside of the search area. That means that they should have been coded as Erroneous Enumerations and subtracted from the DSEs. This error could introduce an upward bias in the DSE.

Analysis Report Important to This Section

- Report B–6: ''Accuracy and Coverage Evaluation Survey: Person Matching and Follow-up Results,'' by Danny R. Childers, Rosemary L. Byrne, Tamara S. Adams, and Roxanne Feldpausch.

In addition,

- DSSD Memorandum Series T–6: ''Additional Geographic Coding for Erroneously Enumerated Housing Units,'' by Danny R. Childers and Xijian Liu.

Discussion

Erroneous enumerations occur in the initial census in the following circumstances:

- When an individual had another residence where he or she should have been counted on Census Day.
- When an entry is fictitious.
- When entries are duplicated.
- When an individual lived in a housing unit subject to geocoding error.
- When the Census Bureau had insufficient information for matching and follow-up.

Errors in measuring census erroneous enumerations can have a serious and direct impact on the A.C.E. For example, a systematic tendency in A.C.E. processing to code census fictitious cases (''curbstoned cases'') as

E-sample follow-up ''noninterviews'' leads to an incorrect estimate of the number of respondents correctly enumerated in the initial census. A tendency to ''give the census the doubt'' can result in people who move out before Census Day coded as correct enumerations. While the overlapping of the P and E-samples will lend considerable robustness to the A.C.E. estimates, both systematic and random errors can be expected to occur.

E-Sample cases are either coded during the initial matching operation or coded based on information gathered during A.C.E. follow-up. For the A.C.E., we assessed errors in measuring census enumeration by analyzing the matching systems' quality assurance results, as well as by using information from A.C.E. follow-up. The quality assurance program should have indicated any clerical problems in assigning enumeration status.

The Census Bureau found clerical error in assigning erroneous enumerations in 1990 (P–10, ''Measurement of the Census Erroneous Enumeration Clerical Error Made in the Assignment of Enumeration Status''). The improvements in Census 2000 clerical matching (described earlier) should have improved the assignment of erroneous enumerations. The identification of duplicates was closely monitored to assure that the duplicate search was done within the block cluster and in the surrounding blocks for TES clusters. The follow-up interview has been improved to instruct the interviewer to conduct sufficient searches for people to allow accurate coding of fictitious people. The conclusion was that the follow-up interviewing was in both managerial and statistical control.

The A.C.E. matching and follow-up quality assurance results referenced in the Matching and Follow-up section above indicate that these processes were well controlled and that these errors were no worse than in 1990.

The one area of concern is the level of correct coding of E-sample cases that were actually outside the search area. Preliminary results from an early A.C.E. evaluation indicate that a number of cases that were coded as ''correctly enumerated'' were in fact outside the search area. This means that the E-sample process accepted a number of records, as correct when they were in fact erroneous. This would understate the gross census overcoverage rate and thus overstate the census net undercount.

Correlation Bias

Conclusions for This Section

Correlation bias is documented for the Black male population and is almost certainly present for certain non-Black populations, including the non-Black Hispanic population. Unfortunately, evidence on the level of correlation bias is weak.

Analysis Reports Important to This Section

- Document 12: ''Accuracy and Coverage Evaluation Survey: Correlation Bias'' by William R. Bell.
- Document 4: ''Accuracy and Coverage Evaluation Survey: Demographic Analysis Results'' by J. Gregory Robinson.

Discussion

Correlation bias is the term frequently used to refer to error caused by individuals systematically missed in both the initial census and the coverage measurement survey. In its purest form, dual system estimation assumes that the chance of being included in the P-sample is independent of the chance of being correctly included in the initial census. Although this assumption has proven useful in providing a better estimate of the population, it is, of course, unlikely to be absolutely true. Correlation bias can occur from two sources. First, it can be caused by inherent heterogeneity within the post-strata. It can also arise when the event of being enumerated in the census changes the probability of being included in the A.C.E.

Even within post-strata there may be unobservable sub-groups with differing chances of being included in each system. There is also quite likely some group (of an indeterminate size) whose probability of being included in any survey is so low as to be effectively zero. Correlation bias will tend, therefore, to lead to an underestimate of the population. Dual system estimation will estimate some, but not all, of the people omitted from the initial census.

Correlation bias is a bias in the dual system estimator. That is, it must be considered in light of both the initial census interview and the A.C.E. interviewing and processing. Correlation bias due to heterogeneity can be reduced either because the initial census was more successful in including the ''hard to count,'' or because the A.C.E. was more successful in including the ''hard to count.'' The census paid advertising and outreach campaign, especially that targeted to ethnic minorities including Hispanics, could have the effect of reducing correlation bias in the 2000 DSE.

To measure correlation bias, one would ideally like to have an external measure of ''truth.'' Demographic analysis, especially demographic sex ratios, have in the past provided an external measure that, while not perfect, is useful because it is not subject to many of the limitations of the initial census or the dual system estimates. As discussed later in this document, comparisons with demographic analysis are increasingly difficult.

Using demographic results, the 1990 studies detected a clear pattern of correlation bias in the 1990 PES (P–13, ''Use of Alternative Dual System Estimators to Measure Correlation Bias''). Correlation bias was especially strong for adult Black males, a group that dual system estimation methodology seems to underestimate.

Recent criticisms of the 1990 studies seem to point to the fact that these studies underestimated the level of correlation bias in the 1990 PES. This conclusion follows from the fact that, in general, correlation bias tends to lower the estimated population, while other measurement errors tend to raise the estimate. Correlation bias and the other kinds of errors therefore may have tended to cancel each other out. However, this reasoning applies to comparisons of the 1990 PES estimates to demographic analysis population totals. If comparisons are instead made to the demographic analysis sex ratios (as was done in the P–13 report), and if the other measurement errors are not very different between males and females, then these other measurement errors should tend to cancel out and have little effect on resulting estimates of correlation bias. Note that comparability problems arising from Black Hispanics, whom DA assigns to Black and A.C.E. assigns to non-Blacks, are expected to have minor effects on sex ratios for 2000. However, we have not fully analyzed the data that supports this expectation.

An additional problem is that since demographic analysis provides national results, one must model how these errors might distribute themselves by post-strata. Several alternative models have been tried. (P–13, ''Use of Alternative Dual System Estimators to Measure Correlation Bias''; Bell, ''Using Information from demographic analysis in Post-Enumeration Survey Estimation,'' 1993).

A final problem arises from the nature of the preliminary 2000 demographic analysis results, discussed below. These results imply a level and pattern of net undercount different from that in any

previous census studied or from that measured by the A.C.E. Indeed, even some of the comparisons of sex ratios, normally the most robust aspect of demographic analysis, are quite different from those observed in previous censuses. These results make quantifying correlation bias even more difficult for Census 2000 than in previous censuses.

The level of correlation bias in the A.C.E. might be larger than that in the 1990 PES because of the use of Procedure C for movers. Procedure C was designed to reduce matching error by eliminating mover matching. However, since this procedure calls for the reconstruction of the Census Day household, its use may increase correlation bias because it may result in the ''missing'' of individuals only tenuously connected to the household. Weighting the out-mover match-rate by the number of in-movers may partially, but probably not completely, compensate for the possible increase in correlation bias. Even among out-movers, those more likely to be enumerated in the initial census may be more likely to be picked up in the A.C.E. interview. Because of this potential correlation, we might overestimate the mover match rate.

Our analysis of correlation bias in the 2000 estimates was, as in 1990, based on the sex ratios from demographic analysis. It is limited to only measuring the correlation bias of Black adult males and non-Black adult males. The method assumes no correlation bias for females and cannot be applied to the A.C.E. estimates for children. Essentially, it assumes that any shortfall of the number of males relative to females, as implied by the demographic analysis sex ratios, is attributable to a correlation bias for males. This analysis demonstrates the presence of correlation bias for adult Black males. The implied level is similar to that observed in 1990. Specifically, our analysis concludes that there is significant correlation bias for adult Black males 18–29 and 30–49 at levels very similar to 1990. There also is significant correlation bias for adult Black males 50+ that is smaller in magnitude than in 1990. Comparisons to demographic analysis sex ratios suggest at most small amounts of correlation bias for non-Black males 30–49 and 50+. The correlation bias estimates for these groups are very small, though they were not much larger in 1990. Due to inconsistency of demographic analysis and A.C.E. data for non-Blacks 18–29, we cannot estimate correlation bias for males in this group.

Determining the level of correlation bias for the non-Black population is problematic because for some age groups, demographic analysis sex ratios imply fewer males than measured by the A.C.E. Taken at face value, this result would mean either negative correlation bias for males (which has never been observed and is difficult to explain) or larger correlation bias for females than for males. Positive correlation bias for females is not only possible but likely. However, what is also likely is that using initial DA to measure correlation bias for non-Blacks using sex ratios has become problematic. This conclusion is important since the majority of the Hispanics, as well as of course other minority groups, are non-Black. A frequently expressed concern about the DSE methodology is the possibly large level of correlation bias for Hispanics.

This analysis only detects differential correlation for the Black and non-Black population. We have no measure for correlation bias for children or females, nor any separate measure for Hispanics, Asians, or other separate ''non-Black'' groups.

We also examined records and reports for any indication of correlation bias due to causal dependence, that is, any indication that participation (or non-participation) in the initial census directly influenced participation in the A.C.E. For example, we looked at the number of letters (approximately 80) received from households that were reluctant to participate in the A.C.E. because they had already sent in their census form. We looked for reports from the regional offices to see if there was any indication of improper contact between the census enumerators and the A.C.E. interviewers. We found no reports or other evidence to support a problem with causal dependence.

There were also concerns about the effects on correlation bias of the ''late census adds'' and the higher level of imputations. This is discussed below. (See Other Measurement and Technical Errors.)

Synthetic Assumptions

Conclusions for This Section

Local census heterogeneity exists and affects the quality of both the adjusted and unadjusted census results. Properly accounting for the synthetic bias in the basic functions could potentially reverse a finding of small improvement, or small deterioration, from adjustment. This effect warrants further examination.

Analysis Report Important to This Section

- Report B–14: ''Accuracy and Coverage Evaluation 2000: Assessment of Synthetic Assumptions'' by Donald J. Malec and Richard A. Griffin.

Discussion

Synthetic estimation error differs from the other measurement errors discussed in this document because it is not directly related to the accuracy of the dual system estimates themselves, but rather to the distribution of the measured net undercount to local areas and demographic subgroups.

Another important difference between synthetic error and other types of A.C.E. error is that local heterogeneity is present in the unadjusted census; this local heterogeneity will affect the quality of census results even before A.C.E. adjustment. While this local heterogeneity is not, strictly speaking, synthetic error, since no synthetic estimation is involved, the effect of local heterogeneity on the accuracy of the population estimates is similar. If local heterogeneity in the initial census is correlated with post-stratification variables, then the DSE/synthetic estimation process can reduce this heterogeneity. However, if a crew leader applied the census procedures in a way that resulted in a locally higher net undercount, then the DSE/synthetic model would not correct for this effect locally. Evaluations of the synthetic assumption help us to understand residual heterogeneity in both the initial and the corrected census.

Evaluations of the synthetic assumption are necessarily indirect. Because the A.C.E. is based on a sample, it may be inefficient at detecting truly local heterogeneity. Attempts at measuring local heterogeneity at the block cluster level suffer from the problem that the A.C.E. is not designed to directly measure the undercount, even for the sample clusters. Targeted extended search and large-block subsampling, for example, both allow matching beyond the sample segments. The A.C.E. is designed to measure undercount at high levels, not at the local level.

However, other data are available for all census areas. Some of these data may be related to the net undercount, although in perhaps complex ways. These data include the level of census whole person imputations and the level of census ID's removed from the census as part of HUDO and then reinstated. These can be tabulated at different levels than the A.C.E. poststrata. For example they can be tabulated for census region crossed by the other A.C.E. post-stratification variables (Attached). These analyses show that individual census procedures had different impacts in different census

regions, even controlling for A.C.E. post-stratification variables. What one does not know, of course, is whether these procedures corrected for an underlying differential in coverage or created a new level of geographic differential in coverage.

The analysis of the data indicates variation within the poststrata for variables that might be related to the net undercoverage. If indeed, these indications are correct, the undercount in the unadjusted census varies not only between poststrata but also within poststrata. The A.C.E. adjustment process will not remove any differential patterns of undercount within poststrata. They will still be present within the data. Since this uneven census coverage is present in both the adjusted and unadjusted results, it does not seem to greatly affect the relative accuracy of the two sets of population estimates.

A productive approach is to use ''artificial population'' analysis. This analysis looks at census operational measures available for all areas, scales them to be the size of the gross undercount or overcount, and then analyzes the results to assess the impact of local geographic heterogeneity on census and A.C.E. accuracy. This analysis looked at several variables, these included:

Surrogates for Gross Omissions

Number of non-GQ[38] persons less the number of persons in whole household substitutions.

Number of non-GQ persons with two or more item allocations.

Number of non-GQ persons whose household did not return a questionnaire by mail, etc.

Surrogates for Gross Erroneous Enumerations

Number of non-GQ persons less those for whom the date of birth was allocated consistent with age.

Number of non-GQ persons less the number of whole household substitutions.

Number of non-GQ persons whose household did not return a questionnaire by mail, etc.

These surrogates were chosen because they roughly correlated with the number of the A.C.E. nonmatches and A.C.E. E-Sample erroneous and incomplete enumerations for the sampled block clusters. Of course, for the artificial population analyses, we looked at both sample and nonsample blocks.

Assessments of the 1990 PES were concerned with the accuracy of the synthetic assumption for low levels of geography, such as blocks. Our assessment of the synthetic assumption in the A.C.E. accepts that perfect homogeneity cannot exist at the block level. The Census Bureau's evaluation of synthetic error, therefore, focuses on whether heterogeneity at the local level is so great as to prevent an improvement from using the A.C.E., not on whether the post-strata are absolutely homogeneous.

The analysis of the relative effect of synthetic error indicated that for state level count estimates (numeric state accuracy) three out of four loss functions are probably underestimating the true gains from adjustment (Report B–14, ''Assessment of Synthetic Assumptions''). Thus, correcting for the bias would not change the loss function results.

For state shares, the analysis indicated a small effect of synthetic error on the loss function. Thus, for cases where the census loss and the A.C.E. loss were quite close showing a small improvement for adjustment, correcting for synthetic error could reverse the direction indicating a small decrease in accuracy by adjusting. This result warrants further investigation.

For congressional district share estimates, the evidence is mixed. That is, some analyses indicated that ignoring synthetic error in the loss function would overstate A.C.E. accuracy. Other analyses indicated that this would overstate census accuracy. That is, some analyses indicated that the loss function measures would be conservative. For other analyses, the results were that the effect could be large enough that they could reverse a favorable finding for adjustment. These analyses would indicate that for congressional districts, loss function results that indicate a small or even moderate improvement from adjustment could be misleading. Correctly accounting for synthetic error would reverse the finding implying greater census accuracy in these cases.

Other Measurement and Technical Errors

Conclusions for this Section

Available evidence does not indicate any appreciable increase in the level of any of these other measurement and technical errors over what was experienced in 1990.

Analysis Reports Important to This Section

Document 10: ''Accuracy and Coverage Evaluation Survey: Consistency of Post-Stratification Variables,'' by James Farber.

Discussion:

The coverage measurement process is subject to several other kinds of measurement errors that need to be noted, including technical ratio bias, contamination error, and inconsistent post-stratification.

Technical ratio bias is well documented in the statistical literature and occurs when the expectation (statistical average) of a ratio differs from the expectation of the numerator divided by the expectation of the denominator. Technical ratio bias in survey estimates is usually not important unless the sample size is small. Usually, a sample size of thirty independent observations is adequate (Cochran, 1963). The dual system estimator is a ratio estimator and as such is subject to ratio bias. Further, since the Procedure C treatment of movers is also a ratio estimator, that may introduce a further ratio bias. The A.C.E. is designed to guard against large ratio bias by requiring a minimum cell size for both the post-stratum and the number of out-movers in the Procedure C estimate. While we did not expect technical ratio bias to be a problem in the A.C.E.

Technical ratio bias was shown to be small, as expected. (B–2, ''Quality Indicators of Census 2000 and the Accuracy and Coverage Evaluation'')

Contamination error occurs when the conduct of the coverage measurement survey affects how people react to the initial census in the sample areas. If contamination occurs, the coverage measurement survey may no longer reflect the error for the population as a whole, even if it correctly measures the coverage ratios for the sample areas. Contamination error has affected past coverage measurement surveys. The 1980 coverage measurement study (the PEP) was based on the April Current Population Survey, which had been conducted between Census Day and the start of NRFU. Evidence pointed to contamination error (See Fay et al., 1988). Prior to the 1998 Dress Rehearsal, contamination error was a major concern. See, for example, Griffiths, ''Results from the 1995 Census Test: The Contamination Study'' (1996). Because the Census Bureau planned to conduct NRFU on a sample basis for all blocks except those blocks that were to be included in the PES, where NFRU would be conducted on a 100 percent basis. If there was any sampling bias due to the nonresponse sampling, this bias could differentially affected the Integrated Coverage Measurement and

[38] GQ means Group Quarters, that is, prisons, long-term care facilities, college dorms, and other group living arrangements.

the non-Integrated Coverage Measurement blocks. The Census Bureau evaluated this possibility and did not detect any contamination. In any case, sampling for NRFU was not used.

With respect to possible contamination, the A.C.E. is, with one exception, quite similar to the 1990 PES. In both surveys, housing unit listing was conducted before census mailout and NRFU. Personal visit interviewing was, in both cases, conducted after the end of NRFU, but concurrently with various census coverage follow-up field interviews.

One possible cause of contamination in the A.C.E. was that approximately one third of the A.C.E. interviews were conducted by telephone concurrent with census NRFU. The telephone interviews were restricted to cases that had a completed census questionnaire that provided a telephone number and excluded units in small multi-units structures and units without house-number-street-name. It is possible that some of these cases might have been visited later during NRFU, and that their responses to that operation were influenced by the A.C.E. interview.

We have not been able to detect serious contamination since moving away from the 1980 design. The ESCAP analysis of possible contamination was restricted to reviewing any available reports. The only report of possible contamination was from a Government Accounting Office debriefing. They reported that they were told by a few A.C.E. interviewers that the interviewers observed census personnel conducting CIFU. Contamination could have occurred, although no actual sharing of information was reported. The 1990 PES was also run concurrently with CIFU.

Next, we turn to inconsistency in post-stratification between the A.C.E. and the census. Some individuals may be classified in the initial census into different post-strata than in the P-sample. The initial census will certainly misclassify some individuals, causing them to be included in the wrong category. For example, some Hispanics may be classified as non-Hispanic, or some American Indians as White. To the extent that the coverage probabilities are equal only for the correct characteristics, census mis-classification (that is, incorrect post-stratification) may introduce correlation bias and synthetic error.

The introduction of multiple race reporting in both the census and the A.C.E. raised concerns about this type of error.

The impact of inconsistent post-stratification is a function of the proportion of misclassified records and the differences in coverage rates between the two post-strata. If only a few records are inconsistently classified, there will be little impact. Further, there is little impact on coverage if the misclassifications occur between post-strata with similar census coverage rates. Misclassification will only affect the quality of the estimates if there are large inconsistencies between post-strata with highly differential coverage rates.

One must note that inconsistent misclassification is not possible for all A.C.E. postratification variables. Region, metropolitan area size, type of enumeration area, and census mail return rate are all measured at the block level and are inevitably assigned the same value in both the P and E-samples. Inconsistent classification is only possible for the race/ethnicity, owner/renter, and age/sex domains.

We studied the differences in post-stratification for those people matched between the A.C.E. and the initial census. By assuming that these patterns apply equally to missed people and by working with the observed (estimated) coverage rates, we assessed the impact of these inconsistencies on the coverage estimates. Of course, this analysis took into account both the directly reported characteristics and the imputed characteristics in both the initial census and the A.C.E.

Of the two tenure groups, seven age/sex groups, and seven race/Hispanic origin domains, two groups stand out with particularly high rates of inconsistency: the domains of American Indian off reservation and Native Hawaiian and Pacific Islander. Both of these domains were new for 2000. In 1990 the American Indian off reservation population was combined with the non-Hispanic White and Other while the Native Hawaiian and Pacific Islander population was combined with the Asian population. The effect of the inconsistency for the American Indian off reservation is to push the resulting estimates toward that of the non-Hispanic White and Other population.

Another concern has been the treatment in the DSE of the cases involved in the Housing Unit Unduplication Operation (HUDO). As noted earlier, 1,019,057 housing units were analyzed during the HUDO and later re-instated into the census files. These units included 2,366,140 person records (including census imputations as well as data defined records). These records are referred to as ''late census adds.'' These records were not included in the A.C.E. matching, processing, or follow-up processes. They were also excluded from the DSE. It is possible that, had these records been included in the A.C.E. and the DSE, the estimated undercount would have differed. To understand this difference, one must consider several factors.

Any of these person records that were not data defined would not have been included in the DSE in any case. Excluding them as late census adds rather than as whole person imputations makes no difference on the final DSE. Some of these person records were duplicates or other erroneous enumerations. Had they been included, the A.C.E. would have sampled and processed them and estimated the level of erroneous enumerations. Excluding these records from the DSE should reduce sampling error since sampling is no longer involved. It is possible that excluding them affected the nonsampling error. For example, it is possible that some of these cases might have been mis-coded had they been included. Further, given the way these were excluded and reinstated, it is possible that this process could have affected duplicate search or targeted surrounding block search. We were not able to quantify the nonsampling effect.

Some of these cases were, of course, correct enumerations. Including them in the A.C.E. would have had two effects. First, this would have raised the number of estimated correct data-defined enumerations. Second, it would have raised the number of matches from the P-sample to the census, since some of these people would have been included in the A.C.E. P-sample. If the ratio of matches to correct enumerations in the excluded cases is the same as the ratio matches to correct enumeration is the included cases, the DSE expected value should be nearly the same. However, if the people referred to in these correct cases were either much more likely to have been included in the A.C.E. or much less likely to have been included, then excluding these cases from the A.C.E. would have changed the level of correlation bias and affected the A.C.E. We have no reason to believe this to be the case. Finally, excluding these cases would have affected the sampling variances, especially if they were clustered. This effect, however, should be fully accounted for in the reported sampling error.

Finally, if these late census adds included geographic clustering of erroneous enumerations, they would increase the geographic heterogeneity in the census net undercount. Geographic clustering in net undercount that is not correlated with the A.C.E. poststratification variables will not be corrected by the A.C.E.

In 1990, the effect of late census adds on the DSE was studied and evaluated. Based on the 1990 experience, the treatment of the late census adds in the 2000 DSE was specified based on the theory noted above. In short, one cannot compare or project the effect of the late census adds in 1990 to the effect in 2000.

A related issue concerns the census whole person imputations. These are cases included in the census counts that are not data defined. These include three groups: cases where the number of people in the housing unit had to be estimated, cases where the number of people was known but all the characteristics of the household had to be estimated, and cases where there was a person reported on the questionnaire but with so little data that the census substituted the characteristics of another person. There were 5,691,184 whole person imputations in Census 2000 as opposed to 2,195,716 in the 1990 census. So while the A.C.E. design anticipated whole person imputations, the level was greatly increased.

Again, the effect of these whole person imputations will depend upon several factors. Some of these will be erroneous. For example, they may impute people into a unit that was vacant on Census Day or into a group of seasonal vacant units. Such imputations will, obviously, decrease the net undercount rate and could lead to an overcount. However, they should not affect the DSE in any way. However, if the imputation was, indeed, correct, then there were people living in the unit on April 1 who were not elsewhere counted, that is, not included in a duplicate housing unit. Had these people been included in the census, then some of them would have matched. Therefore, the number of census correct data-defined enumerations would have increased and the number of matches would have increased. If the ratio of matches to correct enumerations in the ''imputed'' cases is the same as the ratio matches to correct enumeration in the ''non-imputed'' cases, the DSE expected value should be the same. However, if people living in these units were either much more likely to have been included in the A.C.E. or much less likely to have been included, then imputing these cases (rather than enumerating them) would have changed the level of correlation bias and affected the A.C.E. Finally, the increased level of imputation would have affected the sampling variances, especially if they were clustered. This effect, however, should be fully accounted for in the reported sampling error.

Again, if incorrectly imputed cases were geographically clustered, they would increase the geographic heterogeneity in the census net undercount. Geographic clustering in net undercount that is not correlated with the A.C.E. poststratification variables will not be corrected by the A.C.E.

Synthesizing A.C.E. Quality

Comparison With Demographic Analysis and Demographic Estimates

Conclusions From This Section

The disagreement between the results of demographic analysis and the A.C.E. removes an important independent verification of A.C.E. results. In 1990, demographic analysis clearly demonstrated that an adjustment based on the PES would have been conservative, that is, the true population would almost certainly have been higher still. In 2000, demographic analysis presents no such support, leaving the possibility that the A.C.E. would ''over adjust.''

Analysis Reports Important to This Section

- Report B–4: ''Accuracy and Coverage Evaluation Survey: Demographic Analysis Results,'' by J. Gregory Robinson.
- Report B–16: ''Demographic Full Count Review: 100 percent Data Files and Products,'' by Michael J. Batutis, Jr.

Discussion Demographic analysis has long provided the standard against which census accuracy is measured. See, for example, Committee on National Statistics, ''Modernizing the U.S. Census'' (1995) (''Demographic estimates are the primary means for comparing coverage for censuses over time for the nation as a whole.''). Indeed, when people discuss the ''steady improvement in census accuracy'' or say that the 1990 census was the ''first to be less accurate than its predecessor,'' they are using demographic analysis as a benchmark. See, for example, the ''Report to Congress—The Plan for Census 2000'' (1997, p. i), and Darga, ''Sampling and the Census'' (1999, page 14–15).

Demographic analysis, as the term is usually used, is the construction of an estimate of the ''true'' population using birth, death, migration and other data sources independent from either the current census or the A.C.E. demographic analysis provides independent measures of the net undercount by age, sex, and Black/non-Black. It represents a generally accepted historic data series, although, of course, it is subject to its own limitations and uncertainties. Among demographic analysis's important limitations is the lack of an historical data series to independently estimate the Hispanic, Asian, or American Indian populations. In addition, the level of emigration and undocumented immigration must be estimated using indirect methods. These limitations and uncertainty are documented in Robinson (1993), and Himes and Clogg (1992), as well as in the 1990 ''D'' studies.

Due to the uncertainty in the estimates of undocumented immigration, DA in 2000 uses a high and low range for making comparisons to the census and A.C.E. results. The ''base'' DA set of estimates include the current estimate of undocumented immigrants entering during the 1990's (2.76 million); the ''alternative'' DA set increases the DA estimate by doubling the assumed net flow of undocumented immigrants in the 1990's (5.52 million). The A.C.E. measures a net undercount of 3.3 million, or 1.15 percent for Census 2000. DA measures a lower net undercount than the A.C.E., according to either of the two sets of DA estimates developed. The ''base'' DA set estimates a net overcount of 1.8 million, or −0.67 percent in 2000. The ''alternative'' set, which increases the DA estimate to allow for additional undocumented immigration in the 1990's, gives a net undercount of 0.9 million, or 0.32 percent. The DA and A.C.E. estimates both measure a reduction in the net undercount in Census 2000 compared to 1990, but DA implies a greater change. Under the base set, the estimated DA net undercount rate fell by 2.5 percentage points from 1.85 percent net undercount in 1990 to −0.65 percent net undercount in 2000.

Further, the comparison of census counts to auxiliary data sets (such as school enrollment data for children and Medicare enrollment for the population 65 and older) are consistent in indicating Census 2000 is more complete relative to 1990. Both DA and A.C.E. measure a reduction in the net undercount rates of Black and non-Black children (ages 0–17) compared to 1990. Both methods also measure a reduction in the net undercount rates of Black men and women (ages 18+). DA finds a reduction in the net undercount rates of non-Black men and women in Census 2000 compared to the rates of previous censuses. The reduction is large under the base DA set and moderate under the alternative DA set. The A.C.E. indicates no change or a slight increase in undercount rates for non-Black adults as a group.

The A.C.E. sex ratios (ratio of males per 100 females) for Black adults are much lower than DA ''expected'' sex ratios, implying that A.C.E. is not capturing the high undercount rates of Black men relative to Black women (the well-known ''correlation bias''). The size of this bias is about the same as in the 1990 PES.

A more recent complication warrants mention. The demographic analysis method requires reconciling the reporting of race in the vital statistics system with race as reported in the census. For example, in the birth registration system the race of the mother and the father are reported, rather than the race of the child. For the first time, the census questionnaire instruction was to ''mark one or more races.'' This change introduces a new consideration into the reconciliation of reported race data. Depending on the treatment of people who report Black and at least one other race, the Black undercount estimate ranges from 0.9 percent to 4.7 percent. However, in either case a clear differential undercount between the Black and non-Black population is evident, ranging from at least 1.8 percent to perhaps 6.2 percent.

If we take DA as representing a reasonable low estimate of population in 2000, what would represent a reasonable high? Although we tried several different scenarios raising undocumented immigration, for purposes of simplicity, we have assumed a doubling of the undocumented population for our alternative demographic assumption. Doubling undocumented immigration would result in an alternative DA that implies a percent foreign-born of 11.13 (compared to 10.61 in the unweighted CPS) and a percent Hispanic of 12.72 (compared to 12.55 in the unadjusted Census 2000 results). Until we can get a fuller set of data from Census 2000 to recalibrate the DA estimates in detail, this alternative would seem to be a reasonable upper bound on the total number of undocumented immigration in the 1990s.

The demographic analysis estimates may have underestimated the population and, thus, the net undercount, in 1990. Indeed, Robinson et al. (1993, p. 1070) states that ''the demographic net undercount estimates are biased in that they may underestimate the ''true'' net undercount'' (See also 1990 DA Evaluation Project D–10). Thus in 1990, the DA production or preferred estimate is as a net undercount of 4.55 million. Analysis showed that it was very unlikely that the true undercount was less than 4 million. This showed that the 1990 PES almost certainly did not overestimate the net national undercount. However, the upper range of the demographic analysis uncertainty estimates was a net undercount of over eight million people. Indeed, the midpoint of the range (6.2 million) is higher than the 1990 demographic analysis production estimates. (Estimates are based on Robinson 1993, Table 4 times 249 million).

It is important to note that errors in estimating the 1990 population will affect a comparison with the A.C.E. with respect to the level and pattern of the undercount. It will not affect the measured change between censuses. The internal consistency of the demographic estimates permits trends and changes in the coverage pattern over time to be estimated more accurately than the exact level of net coverage in any given census. (Report B–4, ''Demographic Analysis Results'')

Historically, demographic analysis' important strength has been its ability to measure sex ratios accurately. While inconsistency in reporting racial data may introduce uncertainty into the demographic analysis estimates of a specific population group, in many instances the inconsistency will affect both sexes equally, so that the inconsistency's effect on the expected sex ratio should be quite small. In 1990, many of the comparisons between the initial census, the PES, and demographic analysis centered on the sex ratios.

Post-Enumeration Survey—A.C.E. Error of Closure

The estimated population from the 1990 dual system estimates based on the PES can be projected forward and compared to the estimated population from the 2000 dual system estimates based on the A.C.E. To the extent that the population change during the decade is well estimated, the difference must be attributable to changes in the level and patterns of errors in the two dual system estimates. The following table is instructive:

TABLE 5.—A COMPARISON OF THE 1990 PES TOTAL POPULATION WITH THE A.C.E. ACCOUNTING FOR POPULATION CHANGE

	Base demographic analysis estimates	Alternative demographic analysis estimates
1990 Post-Enumeration Survey Dual System Estimates	252,756,428	252,756,428
Natural Growth	17,331,261	17,331,261
Legal Immigration	9,266,974	9,266,974
Emigration	2,652,597	2,652,597
Undocumented Immigration	2,765,196	5,530,392
''Expected 2000 Population''	279,467,262	282,332,458
2000 Accuracy and Coverage Evaluation Survey Dual System Estimates	284,683,782	284,683,782
Error of Closure	5,216,520	2,451,324
Error of Closure Percent	1.9 percent	0.9 percent

Estimates are for the total population, including populations excluded from the 1990 and 2000 Dual System Estimation estimates.

Unless the demographic analysis estimates of change are inaccurate, it is clear from this table that the error level of the 1990 PES DSE must differ from that of the 2000 A.C.E.. There are several possible causes. Assuming change is correctly measured, the difference between the 1990 PES carried forward and the 2000 A.C.E. must be due to either sampling or non-sampling errors in the PES or A.C.E. Further, to account for differences beyond sampling error, one must assume that the non-sampling error levels were different in the two surveys.

The A.C.E. universe differed from that of the PES. The A.C.E. excluded the noninstitutional nonmilitary group quarters, while the 1990 PES had included this group. The A.C.E. DSE

implicitly attributes zero coverage error to this group. The PES DSE attempted to measure the coverage of this group. However, there is no evidence that this coverage of this group was so very far from correct as to explain much of the PES/A.C.E. error of closure.

Another explanation would be that the 1990 PES DSE had much higher levels of correlation bias overall than did the A.C.E.. It is certainly possible, even likely, that the 1990 PES underestimated the net undercount. This is the implication of any comparisons with the 1990 demographic analysis estimates and is reinforced by comparing the 1990 PES net undercount (1.65 percent) the range of uncertainty surrounding the 1990 demographic estimates (1.63 percent to 3.36 percent).

Noting that the 1990 PES most certainly was affected by correlation bias and almost certainly underestimated the net national undercount does not, however, explain the change between censuses. One possibility is that the improved publicity campaign and improved community outreach surrounding the census may indeed have persuaded people to participate in the census (both initial and A.C.E. phases) while they, or at least similarly situated people, did not participate in 1990. It must be noted that at this point, this explanation remains no more than an interesting hypothesis.

The analysis of errors in the 1990 PES indicated that except for correlation bias, the other errors tended to increase the estimated population. That is, corrections for the bias would lower the estimates. Thus, to explain the error of closure one must posit that the errors in the A.C.E. were considerably higher than those in the 1990 PES.

However, the analyses of the 2000 A.C.E. seems to indicate that the errors were better controlled and probably smaller in 2000 than they were in 1990. The one exception noted above is errors from coding an E-sample case as correct when, in fact, it was physically located outside the search area and should have been coded as erroneous. We have documented that this occurred, but not to the scale indicated by the error of closure. Since this kind of error was also present in the 1990 census, one must assume a large increase in this or some other positive error to explain the error of closure.

A fundamental assumption of the loss function analysis conducted in connection with the A.C.E. and discussed below is that the pattern of errors for the A.C.E. is similar to the pattern measured in the PES. If the error level or structure of the A.C.E. differs substantially from that of the PES, then findings from the loss function analysis are far less certain.

Comparing the Accuracy of the A.C.E. to the Accuracy of the Uncorrected Census

Conclusions for This Section

Analysis shows that if one assumes that A.C.E. processing errors are assumed at or near the level measured in 1990 and assumes that there is little or no correlation bias, then either the unadjusted census is more accurate or the two are of nearly equal accuracy. If one assumes that the A.C.E. processing errors have been greatly reduced or if moderate or substantial correlation bias is present, then the A.C.E. adjusted results are more accurate, often by a large margin. Allowing for synthetic error does not reverse these findings. However, these findings are dependent on the assumption of similar pattern of errors as was measured in 1990. If this assumption is not valid, no conclusions can be drawn.

Analysis Reports Important to This Section

- Report B–13: ''Accuracy and Coverage Evaluation Survey: Comparing Accuracy'' by Mary H. Mulry and Alfredo Navarro.
- Report B–14: ''Accuracy and Coverage Evaluation Survey: Assessment of Synthetic Assumptions'' by Donald J. Malec and Richard A. Griffin.

Discussion

Knowing the level of error in the A.C.E. is not enough because the A.C.E. decision will not be made in a vacuum; rather the A.C.E. will be compared to the unadjusted census to determine which is more accurate for redistricting purposes. Both the adjusted and the unadjusted data sets will have their own patterns of error.

As discussed at length in the June 2000 ''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000,'' there are several important criteria in assessing accuracy. For purposes of the ESCAP decision, the Census Bureau has evaluated both numeric and distributive accuracy. Both types of accuracy are important criteria for numbers that will be used in the redistricting process, and both types of accuracy have independent importance as tools in assessing A.C.E. and census quality. Additionally, as discussed in the above document, accuracy can be measured at different geographic levels.

Another way to measure overall accuracy is to prepare Loss Functions. Mean squared error is a form of loss function. The Census Bureau prepared Loss Function Analyses in connection with the 1990 adjustment decision and also in connection with the 1993 decision regarding use of adjusted data as a base for the intercensal estimates. These Loss Functions were able to account for estimated bias in the PES estimates. The accuracy criteria discussed above guided our design of the loss functions. We prepared loss functions to determine the comparative accuracy of the adjusted and unadjusted data sets at the state and Congressional district levels, to measure both numeric and distributive accuracy.

The 1990 studies and subsequent analyses addressed this issue through complex simulation procedures (See, P–16, as well as Mulry and Spencer [1993]). The Census Bureau concluded that adjustment of the 1990 census would have improved distributive accuracy for states and for areas with populations of more than 100,000. Later Census Bureau work revealed that in general one could not distinguish an improvement in distributive sub-state accuracy for areas with populations of less than 100,000 (Obenski and Fay, 2000).

The Loss Function Analyses that we conducted to inform the ESCAP decision should not be considered determinative for several reasons.

Although A.C.E. variances are available, complete information on A.C.E. biases is not. Accurate bias data are a vital component of any Loss Function. For the purpose of ascertaining preliminary Loss Function information to guide the ESCAP decision, therefore, the Census Bureau assumed that the bias in the A.C.E. was similar to biases in the 1990 PES. To some extent, the PES biases were modified based on an analysis of differences in the PES and the A.C.E., but the extent of this analysis was limited. Finally, one should keep in mind that more complete Loss Functions will be prepared as part of the final evaluation process, many months after the ESCAP recommendation. These more complete Loss Functions, performed after more data are available, may well reach results different from those of the preliminary Loss Functions.

Although several loss functions were computed, three are of principal importance.

The Weighted Squared Error Loss for all levels is a measure of numeric accuracy. For example, it treats a 1 percent error in estimating the population total for a state proportional

to the state's size. If state A is twice the size as state B, then a 1 percent error in estimating the size of state A is considered twice as serious.

The Weighted Squared Error Loss for shares is a measure of proportional or share accuracy. It treats a 1 percent (not percentage point) error in the share of a state proportional to that state's size. If state A is twice the size of state B, that is, state comprises 2 percent of the nation's population while state B is 1 percent, then a 1 percent error in estimating state A's share of the national population is weighted at twice the error as a 1 percent error in estimating state B's share.

Equal Congressional District Squared Error Loss is a measure of within state share accuracy closely related to state congressional redistricting. This measure only looks at shares within state. The shares are computed on the current congressional districts, and errors from the census and A.C.E. are estimated. Errors within state shares are then summed over the fifty states to produce a national index of relative accuracy.

For each measure of accuracy, we computed the relative loss. This is a measure or estimate of how the census and A.C.E. losses compare. It is computed as the Census Loss divided by the A.C.E. loss. Relative loss of less than one indicates that, for that measure and those assumptions, the census is estimated to be more accurate.

To estimate the relative accuracy for the census and the A.C.E., one must properly account for several things. First is the estimated levels of undercount in the census as measured by the A.C.E. Second is the sampling variance in the A.C.E.. Third is the level of bias present in the A.C.E. As we had no direct measures of the level of bias in the A.C.E. (Except for ratio and correlation bias), we assumed the level measured in the 1990 PES. The analysis also took into account the variance of the estimated biases in 1990. See B–13 and B–19 for a full description.

Models were run using many variations on the assumptions, which are documented in B–13. Most important to the results are the following assumptions.

- The Level of A.C.E. processing error: This includes A.C.E. matching error and E-sample coding error: One hundred percent error indicates that there was no improvement from the 1990 measured levels.
- The level of correlation bias for adult men: Zero correlation bias indicates that there is not allowance for this bias. One hundred percent indicates that the full level of correlation bias for adult men implied by the demographic analysis sex ratios. In addition, some runs were made assuming that the correlation bias for Hispanics was at the same level measured for Blacks.
- The 2000 estimated undercounts and their estimated sampling variances were used. All other A.C.E. biases were assumed at their 1990 levels, including an allowance for the variances on estimating these in 1990.

Some principal findings are summarized in Table 6:

TABLE 6.—RELATIVE LOSS BY DEGREE OF PROCESSING ERROR AND CORRELATION BIAS

Model	Degree of correlation bias (percent)	Degree of processing error (percent)	Census loss/ A.C.E. loss (St. Levels)	Census loss/ A.C.E. loss (St. Shares)	Census loss/ A.C.E. loss (CD shares)
NA	0	100	0.519	1.783	0.995
1	100	0	17.488	1.125	2.068
1	100	25	18.565	1.318	1.975
1	100	50	14.108	1.500	1.870
1	100	75	8.242	1.656	1.759
1	100	100	4.413	1.780	1.651
2	10	90	0.770	1.761	1.147
2	20	90	0.897	1.792	1.265
2	50	90	1.416	1.838	1.554
2	75	90	2.048	1.821	1.688

Model 1—correlation bias is present for males except for Non-black males age 18 to 29.

Model 2—correlation bias is present for Black males only.

States use weighted squared error loss and congressional districts use equal CD squared error loss.

The reader can see that if one assumes no reduction in processing error over 1990 as well as little or no correlation bias, the census is as accurate or more accurate than the adjusted A.C.E. for state levels, less accurate for state shares, and about as accurate for CD shares. This clearly demonstrates how sensitive the results are to the model assumptions. As noted above, an analysis of the Error of Closure between the A.C.E. and the PES indicates that the patten and level of error of A.C.E. may not necessarily follow that found in the PES.

Therefore, the results of the loss functions must be interpreted cautiously. If the assumptions of similar patterns of errors do not hold even approximately, no direct conclusion can be drawn.

To assess the impact of synthetic error (local heterogeneity in the unadjusted census results) on comparison between Census and A.C.E. relative accuracy, several models were run including both the local heterogeneity and the assumed level of bias in the A.C.E. (B–14, ''Assessment of Synthetic Assumptions''). These analysis indicated gains in accuracy from adjustment even accounting for synthetic bias. However, these results are subject to the same limitations noted above.

The loss functions run for counties with populations below 100,000 indicated that the unadjusted census was more accurate regardless of the level of correlation bias assumed. This caused some concern, since this was not the case for the 1990 census adjustment. One should remember, however, that counties below 100,000 are not the same or even representative of all areas of less than 100,000. However, the analysis found that the adjustment was more accurate when considered in terms of all counties for both numeric and distributive accuracy.

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B–12, ''Accuracy and Coverage Evaluation Survey: Correlation Bias'' by William R. Bell
B–13, ''Accuracy and Coverage Evaluation Survey: Comparing Accuracy'' by Mary H. Mulry and Alfredo Navarro
B–14, ''Accuracy and Coverage Evaluation 2000: Assessment of Synthetic Assumptions'' by Donald J. Malec and Richard A. Griffin
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Table A-1: Census 2000 A.C.E. 64 Post-Stratum Groups by region - Percent Late Adds

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.5	0.2	0.2	0.3	2.1	1.4	0.3	0.5
		Medium MSA MO/MB	0.4	0.2	0.3	0.3	1.0	0.6	0.4	0.4
		Small MSA & Non-MSA MO/MB	0.4	0.3	0.3	0.3	0.8	0.4	0.4	0.5
		All Other TEAs	1.3	1.3	1.6	1.4	1.9	1.9	2.3	2.2
	Non-Owner	Large MSA MO/MB	1.2	0.8	0.5	0.5	1.7	1.6	0.7	0.6
		Medium MSA MO/MB	1.3	0.7	0.6	0.6	1.8	0.9	0.6	0.6
		Small MSA & Non-MSA MO/MB	1.3	0.7	0.7	0.7	1.5	0.7	0.7	0.7
		All Other TEAs	3.2	2.2	2.4	2.7	3.8	2.5	2.8	3.5
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	0.8	0.6	0.3	0.3	3.2	1.7	0.4	0.3
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.0	0.4	1.3	0.7	0.8	0.7	2.3	1.4
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	0.9	1.0	0.6	0.5	1.6	1.7	0.8	0.6
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.5	0.6	1.2	0.7	1.9	0.6	1.7	1.2
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	1.2	0.5	0.4	0.4	3.3	2.7	0.6	0.5
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	1.1	0.6	1.2	0.9	1.2	1.1	2.2	2.4
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	1.2	1.0	0.6	0.5	1.9	2.2	0.5	0.6
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.1	1.0	1.4	1.4	1.7	0.9	2.1	3.3
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		1.6		0.5		0.4		0.9	
	Non-Owner		1.2		0.6		0.6		1.0	
Domain 6 (Non-Hispanic Asian)	Owner		1.8		0.5		0.4		0.5	
	Non-Owner		1.3		0.8		0.5		0.6	
American Indian or Alaska Native — **Domain 1** (On Reservation)	Owner		1.6		0.8		1.5		0.9	
	Non-Owner		0.8		0.7		1.4		1.1	
Domain 2 (Off Reservation)	Owner		1.4		0.7		1.5		0.9	
	Non-Owner		1.7		1.0		1.3		1.0	

• For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

Table A-2: Census 2000 A.C.E. 64 Post-Stratum Groups by region - Percent iis

Race/Hispanic Origin Domain Number*	Tenure	MSA/TEA	High Return Rate				Low Return Rate			
			NE	MW	S	W	NE	MW	S	W
Domain 7 (Non-Hispanic White or "Some other race")	Owner	Large MSA MO/MB	0.9	0.9	1.0	1.1	2.6	2.6	1.8	1.8
		Medium MSA MO/MB	0.8	0.8	1.1	1.2	1.8	1.6	1.6	1.9
		Small MSA & Non-MSA MO/MB	0.8	0.9	0.9	1.1	1.2	1.8	1.5	1.9
		All Other TEAs	1.6	1.1	1.1	2.8	1.6	1.5	1.5	2.5
	Non-Owner	Large MSA MO/MB	2.1	2.0	2.7	1.9	4.4	5.4	3.9	3.1
		Medium MSA MO/MB	1.6	1.6	2.4	2.3	3.5	3.0	3.4	3.2
		Small MSA & Non-MSA MO/MB	1.4	1.6	2.0	1.9	2.2	3.3	2.8	2.8
		All Other TEAs	2.1	1.6	1.8	3.7	3.0	2.1	2.5	3.9
Domain 4 (Non-Hispanic Black)	Owner	Large MSA MO/MB	2.7	2.4	2.4	2.5	5.3	4.9	3.3	3.4
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.6	2.3	2.2	2.9	2.8	3.4	3.3	5.2
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	4.4	3.3	3.5	3.1	6.6	6.0	4.4	4.5
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.5	3.0	2.9	3.2	3.7	5.9	3.9	5.6
		All Other TEAs								
Domain 3 (Hispanic)	Owner	Large MSA MO/MB	2.5	2.5	2.6	4.0	5.9	5.3	4.2	5.0
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.4	2.3	4.0	3.9	3.8	3.5	4.1	4.5
		All Other TEAs								
	Non-Owner	Large MSA MO/MB	3.6	3.2	3.2	3.8	5.4	5.7	4.0	4.3
		Medium MSA MO/MB								
		Small MSA & Non-MSA MO/MB	2.5	2.8	3.7	4.1	3.9	4.0	4.9	5.4
		All Other TEAs								
Domain 5 (Native Hawaiian or Pacific Islander)	Owner		3.3		3.7		2.8		3.7	
	Non-Owner		5.1		4.3		4.3		3.6	
Domain 6 (Non-Hispanic Asian)	Owner		2.8		2.3		2.2		2.4	
	Non-Owner		3.8		3.3		3.3		3.1	
American Indian or Alaska Native — **Domain 1** (On Reservation)	Owner		8.8		4.9		4.2		5.0	
	Non-Owner		6.7		4.7		3.7		4.6	
American Indian or Alaska Native — **Domain 2** (Off Reservation)	Owner		2.7		2.1		1.9		3.0	
	Non-Owner		3.6		2.7		2.7		3.2	

• For Census 2000, persons can self-identify with more than one race group. For post-stratification purposes, persons are included in a single Race/Hispanic Origin Domain. This classification does not change a person's actual response. Further, all official tabulations are based on actual responses to the census.

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TABLE A–3.—CENSUS 2000 EVALUATIONS PROGRAM CATEGORY REPORT SCHEDULE

Category	Availability of Category Report
A: Response Rates & Behavior Analysis	Spring 2002.
B: Content/Data Quality	Summer 2003.
C: Data Products	Summer 2001.
D: Partnership and Marketing Programs	Winter 2001.
E: Special Populations	Winter 2001.
F: Address List Development	Fall 2002.
G: Field Recruiting & Management	Summer 2001.
H: Field Operations	Winter 2002.
I: Coverage Improvement	Winter 2002.
J: Ethnographic Studies	Spring 2003.
K: Data Capture	Fall 2002.
L: Processing Systems	Winter 2002.
M: Quality Assurance Evaluations	Spring 2003.
N: Accuracy & Coverage Evaluation Survey Operations	Fall 2002.
O: Coverage Evaluations of the Census & of A.C.E. Survey	Summer 2002.
P: A.C.E. Survey Statistical Design & Estimation	Winter 2003.
Q: Organization/Budget & MIS	Fall 2001.
R: Automation of Census Processes	Summer 2001.

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Federal Register

Thursday,
March 8, 2001

Part III

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Community Food Projects; Competitive Grants Program, Fiscal Year 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Community Food Projects Competitive Grants Program, Fiscal Year 2001

AGENCY: Cooperative State Research, Education, and Extension Service (CSREES), USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Federal Agriculture Improvement and Reform Act of 1996 established new authority for a program of Federal grants to: support the development of community food projects designed to meet the food needs of low-income people; increase the self-reliance of communities in providing for their own food needs; and promote comprehensive responses to local food, farm, and nutrition issues.

This RFP sets out the objectives for these projects, the eligibility criteria for projects and applicants, and the application procedures. Proposals are requested for projects designed to increase food security in a community (termed Community Food Projects).

This RFP contains the entire set of instructions needed to apply for a Fiscal Year (FY) 2001 Community Food Projects Competitive Grants Program (CFPCGP) grant.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2001 Community Food Projects Competitive Grants Program for use in development of any future requests for proposals for this program.

DATES: Proposals must be received on or before May 18, 2001.

User comments are requested on or before September 10, 2001. Comments received after that date will be considered to the extent practicable.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Center; 800 9th Street, SW.; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW.; Washington, DC 20250–2245.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA—CSREES; STOP 2299; 1400 Independence Avenue, SW.; Washington, DC 20250–2299; or via e-mail to: *RFP-OEP@reeusda.gov.* In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding.

FOR FURTHER INFORMATION CONTACT: Dr. Mark R. Bailey, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW., Washington, DC 20250–2241; telephone: (202) 401–1898; *mbailey@reeusda.gov,* or Dr. Elizabeth Tuckermanty, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW., Washington, DC 20250–2241, telephone: (202) 205–0241; *etuckermanty@reeusda.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

Stakeholder Input
Catalog of Federal Domestic Assistance
Part I—General Information
A. Authorities
B. Purpose, Scope, and Fund Availability
C. Definitions
D. Eligibility
E. Matching Requirements
Part II—Preparation of a Proposal
A. Program Application Material
B. Content of Proposals
C. Submission of Proposals
D. Acknowledgment of Proposals
Part III—Review Process
A. General
B. Evaluation Factors
C. Conflicts of Interest and Confidentiality
Part IV—Additional Information
A. Access to Peer Review Information
B. Grant Awards
C. Use of Funds; Changes
D. Applicable Federal Statutes and Regulations
E. Confidential Aspects of Proposals and Awards
F. Regulatory Information

Stakeholder Input

CSREES is requesting comments regarding the FY 2001 Community Food Projects Competitive Grants Program solicitation for applications from any interested party. In your comments, please include the name of the program and the fiscal year solicitation for applications to which you are responding. These comments will be considered in the development of any future RFP for the program. CSREES has determined that this program is not an agricultural research, extension, or education program for the purposes of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c)(2). Therefore, CSREES is not required by statute to solicit stakeholder input regarding this RFP. CSREES, however, always welcomes constructive comments from interested parties regarding a RFP or particular program. Comments should be submitted as provided in the **ADDRESSES** and **DATES** portions of this Notice. The e-mail address in the **ADDRESSES** portion is intended only for receiving comments regarding the FY 2001 CFPCGP solicitation, and not for requesting information or forms.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.225, Community Food Projects Competitive Grants Program.

Part I—General Information

A. Authorities

Section 25 of the Food Stamp Act of 1977, as amended by Section 401(h) of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127) (7 U.S.C. 2034), authorized a new program of Federal grants to support the development of community food projects.

CSREES intends to publish in the near future proposed regulations governing the administration of this program. CSREES anticipates finalizing the proposed regulations prior to the award of grants under this RFP. Awards resulting from this RFP will be subject to the final regulations.

Currently, the RFP and draft proposed regulations are consistent. Because of the nature of the rule making process, these requirements are subject to change based upon comments received. Applicants whose proposals are recommended for funding must agree to be bound by the final rule as a condition of receiving an award under this program.

B. Purpose, Scope and Fund Availability

1. Purpose and Scope

The purpose of the Community Food Projects Competitive Grants Program (CFPCGP) is to support the development of Community Food Projects with a one-time infusion of Federal dollars to make such projects self-sustaining. Community Food Projects should be designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in

providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues.

Community Food Projects are intended to take a comprehensive approach to developing long-term solutions that help to ensure food security in communities by linking the food production and processing sectors to community development, economic opportunity, and environmental enhancement. Comprehensive solutions may include elements such as: (i) Improved access to high quality, affordable food among low-income households; (ii) expanded economic opportunities for community residents through local businesses or other economic development, improved employment opportunities, job training, youth apprenticeship, school-to-work transition, and the like, and (iii) support for local food systems, from urban gardening to local farms that provide high quality fresh foods, ideally with minimal adverse environmental impact. Any solution proposed must tie into community food needs.

Project goals should integrate multiple objectives into their design. Proposed projects should seek to address impacts beyond a specific goal such as increasing food produced or available for a specific group. Goals and objectives should integrate economic, social, and environmental impacts such as job training, employment opportunities, small business expansion, neighborhood revitalization, open space development, transportation assistance or other community enhancements.

Proposed projects should seek comprehensive solutions to problems across all levels of the food system, not only short-term food relief. This point is emphasized because some proposals submitted previously were primarily for expanding applicant efforts in food relief and assistance, or for connecting established or partially established programs (such as community gardens and farmers' markets), with little evidence of strategic planning and participation by stakeholders in the proposed project design. Proposals should emphasize a food system and/or food security approach and show evidence of information sharing, coalition building, and substantial community linkages.

Applicants should be aware of several USDA and Federal activities that have the potential to strengthen the impact and success of some Community Food Projects. These include food recovery and gleaning efforts; connecting low-income urban consumers with rural food producers; aiding citizens in leaving public assistance and achieving self-sufficiency; and utilizing microenterprise and/or development projects related to community food needs. Other relevant and ongoing Federal initiatives include: USDA farmers' markets; USDA's Office of Sustainable Development and Small Farms; USDA and U.S. Department of Housing and Urban Development designated Empowerment Zones and Enterprise Communities; and the AmeriCorps National Service Program.

Applicants should recognize the role played by food and nutrition assistance programs administered by USDA. Applicants may choose to discuss, in their proposals, the utilization of these programs by the community in connection with the proposed Community Food Project. These programs include: The Food Stamp Program; child nutrition programs such as the School Lunch, School Breakfast, Women, Infants, and Children (WIC) Supplemental Nutrition, Child and Adult Care Food, and Summer Food Service Programs; and commodity distribution programs.

Resources available from other Federal programs such as the Community Food and Nutrition Program (CFNP) and Job Opportunities for Low-Income Individuals (JOLI) program (administered by the Office of Community Services within the U.S. Department of Health and Human Services), may also impact Community Food Projects.

The primary objectives of the CFPCGP are to increase the food self-reliance of communities; promote comprehensive responses to local food, farm and nutrition issues; develop innovative linkages between the public, for-profit, and nonprofit food sectors; and encourage long-term planning activities and comprehensive multi-agency approaches.

Community Food Projects are intended to bring together stakeholders from the distinct parts of the food system. Solutions to hunger and access to food should reflect a process that involves partnership building among the public, private nonprofit, and for-profit sectors. Together, these parties can address issues such as: The capacity of the community to produce food and support local growers; the need for, and location of, grocery stores that market affordable, high quality food; transportation to provide access to food supplies; economic opportunities for residents to increase income, thereby increasing economic access to high quality nutritious food; community development issues; and the environment. Wherever possible, Community Food Projects should support food systems based on strategies that improve the availability of high-quality locally or regionally produced foods to low-income people. Community Food Projects should build on these local experiences andencourage innovative long-term efforts. A project should be designed to endure and outlive the one-time infusion of Federal funds. Community Food Projects should be designed to become self-supporting (or have a sustainable funding source). Projects also should have the potential to be a replicable model. Examples of previously funded Community Food Projects may be viewed on the Internet in the CFPCGP website at *http://www.reeusda.gov/crgam/cfp/community.htm.*

2. Fund Availability

The amount of funds available in FY 2001 for support of grant awards under this program is approximately $2,400,000.

Applicants should request a budget commensurate with the proposed project. However, no single grant shall exceed $100,000 in any single year or more than $250,000 over three years.

Applicants may request one, two, or three years of funding, but in all cases, the grant term may not exceed three years for any one project. A Community Food Project may be supported by only a single grant under this program.

Awards will be made based on the merit of the proposed project with budgets considered only after the merits of the project have been determined. USDA reserves the right to negotiate final budgets with successful applicants. The grantee shall perform a substantive portion of the project. No more than one-third of a Community Food Project award, as determined by budget expenditures, may be subawarded to for-profit organizations. For additional knowledge or expertise that is not available within the applicant organization, funds for expert consultation may be included in the ''All Other Direct Costs'' section of the proposed budget.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

Administrator means the Administrator of CSREES and any other officer or employee of the Department to whom the authority involved is delegated.

Authorized departmental officer means the Secretary or any employee of the Department who has the authority to

issue or modify grant instruments on behalf of the Secretary

Authorized organizational representative means the president, director, or chief executive officer or other designated official of the applicant organization who has the authority to commit the resources of the organization.

Budget period means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

Cash contributions means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

Community Food Project is a community-based project that requires a one-time infusion of Federal assistance to become self-sustaining and is designed to increase food security in a community by: (i) Meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues.

Department or *USDA* means the United States Department of Agriculture.

Expert reviewers means individuals selected from among those recognized as uniquely qualified by training and experience in their respective fields to give expert advice on the merit of grant applications in such fields who evaluate eligible proposals submitted to this program in their respective area(s) of expertise.

Grant means the award by the Secretary of funds to an eligible entity to assist in meeting the costs of conducting, for the benefit of the public, an identified Community Food Project.

Grantee means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

Matching means that portion of project costs not borne by the Federal Government, including the value of in-kind contributions.

Prior approval means written approval evidencing prior consent by an authorized departmental officer.

Private non-profit entity means any nongovernmental corporation, trust, association, cooperative or other organization which: (i) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (ii) is not organized primarily for profit; and (iii) uses its net proceeds to maintain, improve, and/or expand its operations.

Project means the particular activity within the scope of the program supported by a grant award.

Project director (PD) means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

Project period means the period, as stated in the award document, during which Federal sponsorship begins and ends.

Secretary means the Secretary of Agriculture and any other officer or employee of the Department of Agriculture to whom the authority involved is delegated.

Third party in-kind contributions means non-cash contributions of property or services including real property, equipment, supplies and other expendable property, provided by non-Federal third parties and directly benefitting and specifically identifiable to the project.

D. Eligibility

Private, nonprofit entities meeting the following three requirements are eligible to receive a Community Food Project grant:

a. Have experience in the area of:

i. Community food work, particularly concerning small and medium-size farms, including the provision of food to people in low-income communities and the development of new markets in low-income communities for agricultural producers; or

ii. Job training and business development activities for food-related activities in low-income communities;

b. Demonstrate competency to implement a project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

c. Demonstrate a willingness to share information with researchers, practitioners, and other interested parties.

2. Partners and Collaborators

Applicants are encouraged to seek and create partnerships with public or private, nonprofit or for-profit entities, including links with academic and/or other appropriate professionals, community-based organizations, and local government entities. Only the applicant must meet the eligibility requirements. Project partners and collaborators need not meet the eligibility requirements.

E. Matching Requirements

Successful Community Food Project applicants must provide matching funds amounting to at least 50 percent of the total cost of the project during the term of the grant award. The Federal share of Community Food Project costs can be no more than 50 percent of the total.

Community Food Project grantees may provide matching funds through cash and/or in-kind contributions, including third-party in-kind contributions, fairly evaluated, including facilities. The non-Federal share of the funding may come from State government, local government, other non-profit entities, or private sources. Examples of qualifying matching contributions may include direct costs such as: rent for office space used exclusively for the funded project; duplication or postage costs; and staff time from an entity other than the applicant for job training or nutrition education.

Part II—Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CFPCGP website (*http://www.reeusda.gov/crgam/cfp/community.htm).* Program application materials also are available from the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. If calling or sending e-mail, please indicate that you want a copy of the application materials for the Fiscal Year 2001 Community Food Projects Competitive Grants Program.

B. Content of Proposals

1. General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½″ x 11″) white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(b) Each page of the proposal, beginning after the Project Summary, and including the budget pages, required forms, and any appendices, should be numbered sequentially in the top right hand corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 8 copies (9 total) must be submitted in one package.

2. Cover Page

Each copy of each grant proposal must have as its cover page an ''Application for Funding,'' Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing project director(s) (PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PD or co-PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the ''Application for Funding'' form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(a) Title of Proposed Project (Block 6). The title of the proposed project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed.

(b) Blocks 7., 13., 18., 19., 20., and 21. have been completed for you.

(c) In Block 8., enter ''Community Food Project.''

(d) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(e) Other Funding Agencies (Block 22). List the names or acronyms of all other public or private funding agencies, including other agencies within USDA, and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential funding agencies will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

3. Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal.

4. Project Summary

The Project Summary must be 250 words or less, on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and organizations of all PDs and co-PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on overall project goal(s) and supporting objectives, and plans to accomplish the project goal(s). The importance of a concise, informative Project Summary cannot be overemphasized.

5. Prior CFPCGP Funding

If an applicant has previously received CFPCGP support, information on the results from prior funding must be included. For each award received, list the CFPCGP award number, the title of the project, the amount and period of support, a brief summary of the results completed, and the actual and anticipated long-term effects of these results. This information should be provided on a separate page, immediately following the project summary.

6. Project Narrative

For Community Food Project Proposals, the Project Narrative shall not exceed 10 single- or double-spaced pages of written text. To ensure fair and equitable competition, reviewers are instructed to read only the first 10 pages of a project narrative and may ignore information on additional pages. The Project Narrative must repeat and respond to the eight points in (a) through (h) below:

a. *The Community To Be Served and the Needs To Be Addressed.* Identify and succinctly describe the critical elements and needs of the local food economy or food system, including demographics, income, and geographic characteristics of the area to be served.

b. *The Organizations Involved in the Project.* List the organizations to be involved in carrying out the proposed project and the segments of the local food economy or system they link.

Include a description of the relevant experience of each organization, including the applicant organization, that will be involved, and any project history. Proposals should demonstrate extensive community linkages and coalitions. Letters from the organizations involved acknowledging their support and contributions must be provided in an appendix to the proposal. Letters specifying the type and amount of support, where appropriate, are strongly encouraged to provide evidence of community involvement.

c. *Project Goals and Purposes.* List the goals and/or purposes of the project and a justification for the goals in terms of the identified need(s).

d. *Activities to Achieve the Goals.* Discuss how the goals will be achieved. Provide a systematic description of the approach by which the goals will be accomplished.

e. *Timeline.* Identify the major milestones that will indicate progress toward achieving the project goals. Provide a timeline or systematic description of the approach for accomplishing major project objectives.

f. *Relationship to Program Objectives.* Discuss how the project will make progress toward addressing the three major objectives of the CFPCGP. Each Community Food Project, by definition, must be designed to: (i) meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm and nutrition issues.

In addressing the objectives, applicants may want to describe how the project fosters: innovative linkages and coalitions between two or more sectors of the food system; entrepreneurial, job training, and microenterprise opportunities; and short-term and long-term planning to promote community food security through multiple activities conducted in collaboration with other entities.

g. *Evaluation.* Community Food Project proposals should contain a strong evaluation component. Innovative evaluation strategies are especially encouraged. Evaluations should focus on the measurement of success in meeting the three objectives of the CFPCGP.

Through CFPCGP project operations and an evaluation of them, USDA also hopes to learn more about what happens to make such projects succeed, partially succeed, or fail. Therefore, proposals are encouraged that include both process evaluations (developing and monitoring indicators of progress towards the objectives) and outcome evaluations (to determine whether the objectives were met). Applicants should seek the help of experts in evaluation design and implementation, as appropriate.

h. *Self-Sustainability.* Describe how a one-time infusion of Federal funds will be sufficient for the proposed Community Food Project to advance local capacity-building and achieve sustainability. Entrepreneurial projects should provide evidence (e.g., a market analysis or the outline of a business plan) to demonstrate that it is likely to

become self-sustaining and provide employees with important job skills.

7. Key Personnel

Identify the key personnel to be involved in the project, including the project director, if known, and describe their relevant experience. In the Appendix, include resumes or vitae that provide adequate information for reviewers to make an informed judgment as to the capabilities and experience of the key personnel. For new positions in the project or for positions that are currently unfilled, a job description should be provided. An applicant should include an organizational chart, if available, detailing where the project fits in the overall organization.

8. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. Evidence, in the form of a letter, signed and dated, from the collaborator/subcontractor that details the services that will be provided, and a budget and a budget narrative, should be provided as an appendix to the grant application. If the need for consultant services is anticipated, the proposal narrative should provide a justification for the use of such services, a statement of work to be performed, the rate of pay, and a resume or curriculum vita for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget and budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grant and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from Sections 40–48 (''Procurement Standards'') and Appendix A (''Contract Provisions'') to 7 CFR part 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

9. Budget

a. *Budget Form*—Prepare the Community Food Projects Competitive Grants Program budget form in accordance with instructions provided. A separate budget form is required for each year of requested support. In addition, a cumulative budget and budget narrative (see section b. below) is required detailing the total support requested for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project.

The following guidelines should be used in developing your proposal budget(s):

1. *Salaries and Wages.* Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

2. *Fringe Benefits.* Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

3. *Nonexpendable Equipment.* Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

4. *Materials and Supplies.* The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative. Please do not use words such as ''miscellaneous items.''

5. *Travel.* The type and extent of travel and its relationship to project objectives should be described briefly and justified. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR part 3015.205(b)(4) for further guidance.

6. *All Other Direct Costs.* Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, postage and printing costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the ''Instructions for Completing the Community Food Projects Competitive Grants Program Budget'' for additional guidance relating to this budget category. Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

7. *Indirect Costs.* If available, the current rate negotiated with the cognizant Federal negotiating agency should be used. Indirect costs may not exceed the negotiated rate. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K. on the Budget Form. If no rate has been negotiated, a reasonable dollar amount for indirect costs may be requested, which will be subject to approval by USDA. In the latter case, if a proposal is recommended for funding, an indirect cost rate proposal must be submitted prior to award to support the amount of indirect costs requested. CSREES will request an indirect cost rate proposal and provide instructions, as necessary. A proposer may elect not to charge indirect costs and, instead, use all grant funds for direct costs. If indirect costs are not charged, the phrase ''None

requested'' should be written in this space.

b. *Budget Narrative.* All budget categories, with the exception of Indirect Costs for which funding is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the cumulative Budget Form.

c. *Matching Funds.* As stated in part I.E., matching funds are mandatory for Community Food Projects. All the applicants matching support should be shown on the original budget in the appropriate categories (salary, material and supplies, equipment, etc.) A budget narrative for these items should also be included. Proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(i) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) the dollar amount of the cash donation; (5) a statement that the donor will pay the cash contribution during the grant period; and (6) whether the applicant can designate cash as the applicant deems necessary or the cash contribution has been designated to a particular budget item; and

(ii) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) a good faith estimate of the current fair market value of the third party in-kind contribution; and (5) a statement that the donor will make the contribution during the grant period.

The sources and amounts of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to the following for further guidance and other requirements relating to matching and allowable costs: 7 CFR part 3019, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations; OMB Circular A–21, Cost Principles for Educational Institutions; OMB Circular A–122, Cost Principles for Non-Profit Organizations; Federal Acquisition Regulations (48 CFR subpart 31.2, Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of OMB Circular No. A–122); and 7 CFR part 3015, the USDA Uniform Federal Assistance Regulations.

10. Current and Pending Support

All proposals must contain Form CSREES–663 listing other current publicly or privately supported (including in-house) projects to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget for this proposed project. Analogous information must be provided for any pending proposals including, Community Food Projects, that are being considered by, or that will be submitted in the near future to other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

11. Certifications

By signing Form CSREES–661 the applicant is providing the certifications required by 7 CFR part 3017, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

12. Compliance With the National Environmental Policy Act (NEPA) Form CSREES–1234

As outlined in 7 CFR part 3407 (CSREES supplemental regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, ''NEPA Exclusions Form,'' must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion, the specific exclusion, and the reasons therefore. Form CSREES–1234 and supporting documentation should be included as the last component of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case in rare instances when substantial controversy on environmental grounds exists or other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

C. Submission of Proposals

1. When To Submit (Deadline Date)

Proposals must be received on or before May 18, 2001. Proposals received after this date will not be considered for funding.

2. What To Submit

An original and eight copies must be submitted. All copies of the proposal must be submitted in one package.

3. Where To Submit

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive

Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part III—Review Process

A. General

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the basic eligibility requirements as set forth in this RFP. Proposals not meeting the eligibility requirements will be returned without review. Second, each proposal that meets the eligibility requirements will be evaluated and judged on its merits by expert reviewers.

Since the award process must be completed by September 30, 2001, applicants should submit fully developed proposals that meet all the requirements set forth in this RFP and have fully developed budgets as well. However, USDA does retain the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary.

A number of expert reviewers will conduct the merit review based on the evaluation criteria. These reviewers will be drawn from a number of areas, among them government, universities, non-profit organizations, and other pertinent entities involved in community food security or similar activities. The views of the individual reviewers will be used by CSREES to determine which proposals will be recommended to the Administrator for funding. Evaluated proposals will be ranked based on merit. Final approval for those proposals recommended for an award will be made by the Administrator.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and the appearance of conflicts of interest among reviewers. Evaluations will be confidential to USDA staff members, expert reviewers, and the project director(s), to the extent permitted by law.

B. Evaluation Factors

The evaluation of Community Food Project proposals by expert reviewers will be based on the following criteria, weighted relative to each other, and assigned a point value, as noted in the parentheses following each criteria discussion.

1. How well the proposed project addresses the three statutory CFPCGP objectives of: (i) meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues (20 points);

2. How significant are the food security issues that will be addressed by the proposed project, and is there an informative description of the community, its characteristic, assets, and needs (15 points);

3. The appropriateness of the goals and purposes of the project and how these goals will be achieved. Proposed project activities should be designed to address one or more of the following goals, which will be given equal weight: (i) Developing linkages between two or more sectors of the food system; (ii) supporting the development of entrepreneurial activities; (iii) developing innovative linkages between the for-profit and nonprofit food sectors; and (iv) encouraging long-term planning activities and multi-system, interagency approaches (20 points);

4. The relevance of the experience of the organizations that are involved in the proposed project, including the applicant entity, and the type and extent of support that other organizations will be providing. Applicant organizations should demonstrate a history of commitment to and direct involvement in food security projects in low-income communities or in communities with low-income groups. The qualifications of staff involved with the proposed project and/or organizational leadership should reflect the expertise necessary to carry out the proposed activities or similar types of activities. Experience in and connections with the community will be considered as important as academic or professional credentials in this regard (15 points);

5. The viability of plans for realistically achieving self-sufficiency with a one-time infusion of Federal funds. Entrepreneurial projects should provide evidence (*e.g.,* a market analysis or the outline of a business plan) to demonstrate that it is likely to become self-sustaining. Other projects should identify actual or potential funding sources for continuation of the project after Federal funding has ended (15 points);

6. The strength of the proposed project's evaluation component and how it will contribute to the evaluation of the CFPCGP on a national basis (10 points); and

7. The time line for accomplishing project goals and objectives is realistic and achievable (5 points).

C. Conflicts-of-Interest and Confidentiality

During the evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflict-of-interest the academic and administrative autonomy of an institution shall be determined by reference to the January 1998 issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and evaluations, will be kept confidential, except to those involved in the review process, to the extent allowed by law. In addition, the identities of expert reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants.

Part IV—Additional Information

A. Access to Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PD after the review process has been completed.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose

proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded the grant;

(b) Title of project;

(c) Name(s) and address(es) of project director(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document. All grants awarded under this program will be awarded using a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee or the PD(s) is uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

(d) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

(e) Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed three (3) years.

(f) Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

D. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to grants awarded under this program. These include but are not limited to:

7 CFR part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives, (*e.g.,* Circulars Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308, as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—USDA implementation of Restrictions on Lobbying. Imposes on recipients of Federal contracts, grants, cooperative agreements, and loans prohibitions and requirements for disclosure and certification related to lobbying.

7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR part 3407—CSREES supplemental regulations for implementation of the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200, *et seq.*, Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

E. Confidential Aspects of Proposals and Awards

(1) When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal.

(2) When a proposal does not result in a grant the original copy will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995 as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, this 1st day of March, 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–5592 Filed 3–7–01; 8:45 am]

BILLING CODE 3410–22–P

Federal Register

Thursday,
March 8, 2001

Part IV

Department of Labor

Office of the Secretary

Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Disability Employment Policy; Notice

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 1–2001]

Departmental Policy to Ensure that Agency Policies and Activities Fully Address the Needs and Concerns of People With Disabilities; Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Disability Employment Policy

1. Purpose

To delegate authority and assign responsibility to the Assistant Secretary for Disability Employment Policy and to affirm that all components of the Department of Labor (DOL) have the responsibility to work cooperatively to ensure that their missions fully address the needs and concerns of people with disabilities.

2. Authority

This Order is issued pursuant to Section 1(a)(1) of the Consolidated Appropriations Act, 2001 (Pub. L. 106–554) (enacting H.R. 5656, see Title I, ''Departmental Management''); 29 U.S.C. §§ 551 *et seq.*; 5 U.S.C. 301; and Executive Order 13187, ''The President's Disability Employment Partnership Board'' (PDEPB) (January 10, 2001).

3. Background

The Office of Disability Employment Policy (ODEP) has responsibility, under its enabling legislation (Pub. L. 106–554), for providing leadership, developing policy and initiatives, and awarding grants furthering the objective of eliminating barriers to the training and employment of people with disabilities.

Under Executive Order 13187 (EO 13187), the PDEPB's general functions include providing advice and information to the Secretary of Labor about ''facilitating the employment of people with disabilities,'' and assisting ''in other activities that promote the formation of public-private partnerships, the use of economic incentives, the provision of technical assistance regarding entrepreneurship, and other actions that may enhance employment opportunities for people with disabilities.'' In implementing these general functions, the PDEPB is charged with providing reports to and coordinating with the ODEP. DOL, under EO 13187, is responsible for providing funding and appropriate support for the PDEPB; performing the functions of the President under the Federal Advisory Committee Act, as amended (except that of reporting to the Congress), that are applicable to the PDEPB; and, to the extent permitted by law, providing the PDEPB with such information as it may need for purposes of carrying out its functions.

4. Policy

It is the policy of the DOL that all of its activities and programs promote the welfare of all workers and that the needs of young people and adults with disabilities in the labor force are properly addressed in the development and implementation of DOL policy, programs, research, evaluation, and materials. Therefore, DOL activities and programs that relate to or that may affect the participation of people with disabilities in the Nation's work force or in the economic or social development of the Nation shall be coordinated with the ODEP.

5. Delegation of Authority and Assignment of Responsibility

a. *The Assistant Secretary for Disability Employment Policy* is delegated authority and assigned responsibility for:

(1) Advising and assisting the Secretary of Labor in the development of DOL policies and programs that promote the training and employment of people with disabilities;

(2) Ensuring coordination among DOL agencies on matters or programs related to or affecting people with disabilities;

(3) Keeping the Secretary fully informed concerning the results of DOL's efforts and the status of workers with disabilities by preparing timely reports on critical issues;

(4) In accordance with the policies and procedures established by the Assistant Secretary for Administration and Management (see Secretary's Order 4–76), awarding grants furthering the objective of eliminating barriers to the training and employment of people with disabilities; and

(5) Acting as liaison between DOL and the PDEPB, including the performance of the responsibilities assigned to DOL under EO 13187 which involve the President's functions under the Federal Advisory Committee Act.

b. *The Assistant Secretary for Administration and Management* is responsible for providing or assuring that appropriate administrative and management support is furnished, as required, for the efficient and effective operation of the ODEP and PDEPB.

c. *The Solicitor of Labor* is delegated authority and assigned responsibility for providing legal advice and counsel to the Department and agencies on all matters arising in the administration of this Order.

d. *DOL Agency Heads* are responsible for coordinating with the ODEP on policies and programs which affect or may affect people with disabilities. This coordination shall include (but is not limited to):

(1) Reviewing current practices which affect the training and employment of people with disabilities and their participation in the economic and social development of the Nation and developing appropriate policies and programs to improve/enhance the impact of their agency's activities on people with disabilities in the labor force;

(2) Consulting with the ODEP in the development of policy materials (for example, regulations, standards, and other material for publication in the **Federal Register**, proposed legislation), Congressional testimony, statistical surveys, publications, and similar items;

(3) Consulting with the ODEP during the development of agency strategic plans to assure that the needs of people with disabilities in the labor force are addressed and that efforts are coordinated with the ODEP;

(4) Providing the ODEP with up-to-date information concerning developments relating to policies, plans, projects, studies, evaluations, proposals, and programs and copies of agency publications;

(5) Utilizing the expertise of the ODEP in the development and implementation of task forces, meetings, conferences, seminars, training sessions, and similar activities;

(6) Briefing their staff on a regular basis (at least annually) on their agency's commitment to address the needs of people with disabilities in the labor force and the status of workers with disabilities; and

(7) Inviting ODEP participation in agency programmatic training and involving agency staff in ODEP training.

6. Reservation of Authority and Responsibility

(a) The submission of reports and recommendations to the President and the Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary.

(b) This Secretary's Order does not affect the authorities or responsibilities of the Office of Inspector General under the Inspector General Act of 1978, as amended, or under Secretary's Order 2–90 (January 31, 1990).

(c) This Order does not affect the authorities and responsibilities assigned by any other secretary's order, such as the following: 4–76; 9–78; 2–82; 6–82; 7–83; 8–83; 3–96; 5–96; and 4–2000.

7. Effective Date

This Order is effective immediately.

Dated: January 18 2001.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 01–5739 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–P

Federal Register

Thursday,
March 8, 2001

Part V

Department of Labor

Office of the Secretary

Order of Succession to the Secretary of Labor and Continuity of Executive Direction; Notice

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 2–2001]

Order of Succession to the Secretary of Labor and Continuity of Executive Direction

1. Purpose

To provide for succession to act as Secretary of Labor in case of death or resignation of the Secretary, or if the Secretary is otherwise unable to perform the functions and duties of the office, including in case of absence or sickness; to provide lines of succession for executive continuity within the Department and its Agencies during vacancies arising in a period of national emergency or in the course of business; and to identify the first assistant to officers of the Department whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

2. Authority and Directives Affected

This Order is issued pursuant to the Federal Vacancies Reform Act of 1998 (the FVRA) (codified generally at 5 U.S.C. 3345, *et seq.*); the Act of March 4, 1913, as amended; the Act of April 17, 1946; Reorganization Plan No. 6 of 1950; Reorganization Plan No. 1 of 1958; Reorganization Plan No. 1 of 1973; Federal Civil Defense Act of 1950; Disaster Relief Act of 1974; Executive Order 12656; Executive Order 12148, as amended; and Executive Order 10513, to the extent it is not overridden by the FVRA.

Secretary's Order 5–93 is canceled. All agency delegations in conflict with this Order and its Attachment are hereby superseded.

3. Background

Prior to the enactment of the FVRA, the order of succession of officers to act as Secretary of Labor in periods of vacancy was determined, in part, by reference to an order of the Secretary. This line of succession worked effectively for decades. Secretary's Order 5–93 (October 13, 1993), the latest Secretary's Order issued under Executive Order 10513, established the following order of succession: the Deputy Secretary; the Solicitor of Labor; the Assistant Secretary for Administration and Management; then, the other Assistant Secretaries appointed by the President in the order of the respective dates of their commissions [in the event that two or more of their commissions bear the same date, succession will follow the order in which they have taken their oaths of office]; the Commissioner of Labor Statistics; the Director of the Women's Bureau; and the Deputy Under Secretary for International Affairs. However, the FVRA has established a new framework for identifying the order of succession to the position of Secretary of Labor, as well as other positions within the Department.

4. Order of Succession

In case of absence, sickness, resignation, or death and during periods of national emergency declared by the President, the functions and duties of the officers of the Department of Labor and their respective responsibilities for operational management will be performed in an acting capacity by the incumbents of the positions designated:

a. To the Secretary of Labor

(1) Deputy Secretary of Labor.

(2) Assistant Secretaries and the Solicitor of Labor in the order of the respective dates of their commissions; or in the event that two or more of their commissions bear the same date, in the order in which they shall have taken their oath of office.

b. To All Other PAS Positions and Heads of Other Principal Organizational Units

(1) Within the Department of Labor are offices and agencies headed by officers whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate (PAS). In the event of a vacancy in any of these PAS positions, the FVRA provides that except in certain narrow circumstances, the ''first assistant [to the PAS position] shall perform the functions and duties of the [PAS position] temporarily in an acting capacity'' (subject to certain time limitations), unless and until the President makes an alternative designation under the FVRA. The functions and duties of the PAS officers of the Department and the operational management of the respective agency will be performed by the incumbent first assistant to the PAS position, as designated in the Memorandum attached to this Order.

(2) In the event that (a) there is a vacancy in the position of the first assistant, or (b) the first assistant position is occupied by a person who is statutorily barred from serving as an acting officer, the operational management of the agency headed by the PAS shall be performed by the person whose designation closest follows that of the first assistant, unless and until the President makes an alternative designation under the FVRA. However, the ''functions and duties'' of the PAS may not be performed by any person other than the person serving in an acting capacity (or, in the absence of an acting officer, by the Secretary pursuant to the FVRA). The ''functions and duties'' are those non-delegable responsibilities (a) established by law (statute or regulation); and (b) required to be performed by, and only by, the PAS.

(3) The Memorandum described in Section 3(b)(1) above, shall include succession to the heads of other Departmental organizational units which report to the Secretary.

(4) Nothing in this Order or the Memorandum shall: (1) be construed to override the provisions in the FVRA with respect to the Inspector General or the Chief Financial Officer [5 U.S.C. 3349(e)]; or (2) limit the Secretary's authority to reassign functions or duties of officers unless otherwise precluded by law or regulation.

(5) That Memorandum shall be published in the **Federal Register** and codified in the Department of Labor Manual Series. It is also subject to periodic revision by the Secretary, as necessary, and is effective on the date indicated above.

5. Effective Date

This Order is effective immediately.

Dated: January 18, 2001.

Alexis M. Herman,

Secretary of Labor.

January 18, 2001.

Memorandum for DOL Executive Staff

From: Alexis M. Herman.

Subject: To Provide for the Order of Succession for Executive Continuity.

This memorandum is issued pursuant to Secretary's Order 2–2001 and the authorities cited therein, in order to provide lines of succession in case of absence, sickness, resignation, or death of agency heads and during periods of national emergency declared by the President and to provide for ongoing operational management of agency programs and personnel.

Functions and duties and ongoing operational management responsibilities of the officers of the Department whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate (PAS), will be performed in an acting capacity by the below designated ''first assistants,'' unless and until the President makes an alternative designation under the Federal Vacancies Reform Act of 1998 [FVRA].[1] Functions and duties are those non-delegable responsibilities established by law (statute or

[1] The first assistants are designated below as the position immediately following the PAS position title.

regulation) and required to be performed by, and only by, the PAS.

In the event that the first assistant does not serve or is barred from serving, unless and until the President makes an alternative designation under the FVRA, the person whose designation closest follows that of the first assistant shall perform the operational management of the agency. However, the functions and duties of the PAS may not be performed by any person other than the person serving in an acting capacity, in accord with FVRA (or, in the absence of an acting officer, by the Secretary pursuant to the FVRA).

The Bureau of International Labor Affairs, which is not covered by the statute, (because it is not headed by a PAS position) is included in this memorandum for the purpose of consolidating the presentation of the Department's program for establishing orderly internal succession in the event of vacancies.

This memorandum supersedes all inconsistent agency delegations. Agency Heads shall assure that agency delegations, position descriptions, and other pertinent documents are maintained consistently with the designations provided below.

This memorandum shall be published in the **Federal Register** and codified in the Department of Labor Manual Series. This memorandum is subject to periodic revision by the Secretary, as necessary, and is effective on the date indicated above.

Agency Head Succession

F. *PAS Positions*

Deputy Secretary of Labor

Designation to be made by Presidential direction, as provided in 5 U.S.C. § 3345.

Solicitor of Labor

Deputy Solicitor
Deputy Solicitor for Planning and Coordination
Deputy Solicitor for Regional Operations
Associate Solicitor

Assistant Secretary for Administration and Management

Deputy Assistant Secretary for Operations
Deputy Assistant Secretary for Budget and Strategic and Performance Planning

Assistant Secretary for the Employment Standards Administration

Deputy Assistant Secretary
Deputy Assistant Secretary for Federal Contract Compliance
Deputy Assistant Secretary for Workers' Compensation Programs
Deputy Assistant Secretary for Labor-Management Programs
Deputy Director for Workers' Compensation Programs

Assistant Secretary for the Employment and Training Administration

Deputy Assistant Secretary [2]
Deputy Assistant Secretary
Deputy Assistant Secretary for Field Operations
Associate Deputy Secretary

Assistant Secretary for the Mine Safety and Health Administration

Deputy Assistant Secretary for Policy
Deputy Assistant Secretary for Operations

Assistant Secretary for the Occupational Safety and Health Administration

Deputy Assistant Secretary [3]
Deputy Assistant Secretary
Associate Assistant Secretary

Assistant Secretary for the Office of the Assistant Secretary for Policy

Deputy Assistant Secretary
Deputy Assistant Secretary for Regulatory Economics and Economic Policy Analysis
Associate Assistant Secretary

Assistant Secretary for the Office of Congressional and Intergovernmental Affairs

Deputy Assistant Secretary
Associate Assistant Secretary
Internal Management and Support

Assistant Secretary for the Office of Disability Policy

Deputy Assistant Secretary
Deputy Assistant Secretary for Administration

Assistant Secretary for the Office of Public Affairs

Deputy Assistant Secretary
Associate Assistant Secretary
Director of Information and Public Affairs

Assistant Secretary for the Pension and Welfare Benefits Administration

Deputy Assistant Secretary for Policy
Deputy Assistant Secretary for Program Operations

Assistant Secretary for the Veterans' Employment and Training Service

Deputy Assistant Secretary
Director for Operations and Programs

Director of the Women's Bureau

Deputy Director [4]
Deputy Director for Operations

Administrator of the Wage and Hour Division

Deputy Administrator for Policy
Deputy Administrator for Operations

Commissioner of the Bureau of Labor Statistics

Deputy Commissioner

Chief Financial Officer

Deputy Chief Financial Officer

Inspector General

Deputy Inspector General

G. *Non-PAS Position*

Deputy Under Secretary for International Affairs of the Bureau of International Labor Affairs

Associate Deputy Under Secretary for Policy
Associate Deputy Under Secretary and Director of International Economic Affairs.

[FR Doc. 01–5740 Filed 3–7–01; 8:45 am]

BILLING CODE 4510–23–P

[2] This Deputy Assistant Secretary position is responsible for the formulation of policies and development of multi-year goals, objectives and strategies, among other responsibilities.

[3] This Deputy Assistant Secretary position is responsible for Congressional and intergovernmental liaison and national litigation, among other responsibilities.

[4] This position is first assistant pursuant to 29 U.S.C. 14.

Federal Register

Thursday,
March 8, 2001

Part VI

The President

Proclamation 7413—Save Your Vision Week, 2001

Proclamation 7414—Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2001

Federal Register
Vol. 66, No. 46
Thursday, March 8, 2001

Presidential Documents

Title 3—

The President

Proclamation 7413 of March 5, 2001

Save Your Vision Week, 2001

By the President of the United States of America

A Proclamation

As part of our regular health routine, we often overlook vision. Good vision affects how we work, communicate, and learn. According to the Department of Health and Human Services, about 80 million Americans suffer from potentially blinding eye diseases, 3 million have low vision, and 200,000 more are severely visually impaired.

Visual impairment can strike at any time. Some eye diseases, such as diabetic retinopathy, can develop and damage the eye without warning. Also, visual impairment can develop more often in certain groups. For example, some groups of Americans have a higher risk for glaucoma, including those over the age of 60, African Americans over the age of 40, and people who have a family history of the disease.

Visual impairment can also strike the future of this country: our children. Infants and young children are not immune to eye disorders. Amblyopia, poor vision in an eye that did not develop normal sight during early childhood, causes problems in very early life. Early vision screening is important for our young people to ensure that their eyes receive immediate treatment if problems are found. Also, myopia, or nearsightedness, affects 15 percent of those entering high school.

Many occupations and forms of recreation can present dangers to the eye. Eye protection is a necessity when jobs create the possibility of eye injury. Wearing protective eyewear when playing sports can cut down on eye injury by as much as 90 percent, and wearing eye protection when working in the yard can also reduce the number of serious eye injuries.

The best way to detect eye diseases and disorders is through a dilated eye exam. Many eye problems can be prevented or reversed with early detection and appropriate intervention.

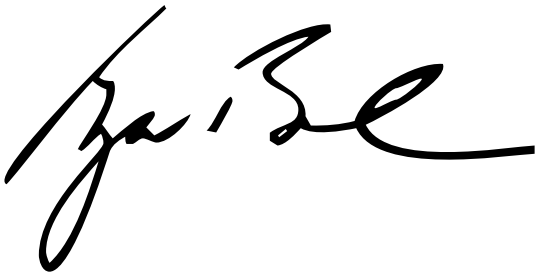
There are many other ways we can help reduce vision disorders. We can make healthy lifestyle choices for ourselves and our families, clinicians can emphasize prevention in their practices, and scientists can pursue new treatments and prevention strategies through research. Using both traditional and innovative approaches, we can all work to make better vision and vision protection an important part of our Nation's public health agenda.

The Congress, by joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 138), has authorized and requested the President to proclaim the first week in March of each year as ''Save Your Vision Week.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 4 through March 10, 2001, as ''Save Your Vision Week.'' I urge all Americans to participate by making eye care and eye safety an important part of their lives and to ensure that dilated eye examinations are included in their regular health maintenance programs. I invite eye care professionals, the media, and all public and private organizations dedicated to preserving eyesight to join

in activities that will raise awareness of the measures we can take to protect and sustain our vision.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–6043
Filed 3–7–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7414 of March 5, 2001

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2001

By the President of the United States of America

A Proclamation

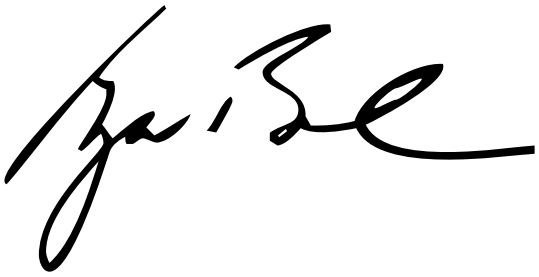
Our democratic system of government traces its earliest roots back to ancient Greece. The leaders of the Revolution and the Framers of the Constitution often drew inspiration from Athenian lawgivers and philosophers and called the Greek example to mind as they sought to build the new nation on the foundations of representative government and free political discourse. The Greeks of 1821 drew inspiration, in turn, from the ideals and institutions of the fledgling United States as they waged their own struggle for liberty. In 2001, a vibrant Greek democracy serves once again as an inspiration to its neighbors and the world.

Our two countries have stood together as friends and allies from the time America embraced modern Greece's struggle for independence 180 years ago. We fought together in every major war of the last century: World War I through the Persian Gulf. For more than 50 years, we have worked together in NATO: first to keep the peace in Europe and now to build peace and stability in the Balkans. We look forward to continued cooperation as we celebrate the Games of the XXVIII Olympiad together in Athens in 2004. Our alliance with Greece remains strong, and its future is promising.

Greeks and Americans share a love of freedom, liberty, and individual rights. The friendship between our two Nations is based on mutual respect, a commitment to common goals, and the sharing of fundamental values. Ties of blood and kinship also unite us: the modern community of approximately 3 million Greek Americans has established a natural and enduring bridge between our nations. Today, we take special note of those citizens and thank them for their innumerable contributions to our Nation's cultural, economic, and political heritage.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 2001, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.'' I call upon all the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–6044
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Federal Register

Vol. 66, No. 46

Thursday, March 8, 2001

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FEDERAL REGISTER PAGES AND DATE, MARCH

12843–12992 1
12993–13226 2
13227–13388 5
13389–13644 6
13645–13838 7
13839–14070 8

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7408 12989
7409 12991
7410 13639
7411 13641
7412 13643
7413 14067
7414 14069

7 CFR

932 13389
956 13391
966 13394
982 13396
1210 13400
1421 13402
1469 13839
1470 13839

Proposed Rules:
Ch. I 13267
Ch. VIII 13267
923 13447
993 13454
1439 13679

10 CFR

72 13407

Proposed Rules:
50 13267
72 13459

11 CFR

Proposed Rules:
100 13681

12 CFR

205 13409
516 12993
517 12993
543 12993
544 12993
545 12993
550 12993
552 12993
555 12993
559 12993
560 12993
562 12993
563 12993
563b 12993
563f 12993
565 12993
567 12993
574 12993
575 12993
584 12993

Proposed Rules:
932 13688

14 CFR

25 12843
39 ..... 13010, 13227, 13229, 13232, 13413, 13414, 13416, 13418, 13422, 13424, 13635
71 13011

Proposed Rules:
39 ..... 12913, 13184, 13186, 13189, 13192, 13195, 13198, 13201, 13204, 13207, 13210, 13213, 13216, 13219, 13223, 13269, 13271, 13858
255 13860

15 CFR

738 12845
740 12845
744 12845
746 12845

16 CFR

4 13645
1500 13645

Proposed Rules:
432 12915

17 CFR

239 13234
240 13234
270 13234
274 13234

Proposed Rules:
Ch. II 13273

18 CFR

Proposed Rules:
284 13689

21 CFR

10 12848
14 12848
16 12848
172 ..... 13652, 13846
175 13653
176 13653
178 13653
203 12850
205 12850
510 ..... 13426, 13847
520 13848
522 13235
524 ..... 13236, 13848
558 ..... 13236, 13238

Proposed Rules:
1304 13274
1305 13274
1306 13274
1311 13274

23 CFR

658 13012

25 CFR

Proposed Rules:
542 12916

26 CFR

1 .....12853, 13013, 13427, 13429, 13635
53.....13013
301.....13013
Proposed Rules:
1 .....12916, 13050, 13864
31.....13275

27 CFR

9.....13429
19.....12853
21.....12853
22.....13014
275.....13849
Proposed Rules:
275.....13864

28 CFR

25.....12854

30 CFR

934.....13015
Proposed Rules:
917.....13275
938.....13277

31 CFR

Proposed Rules:
1.....13865

32 CFR

199.....12855

33 CFR

100.....13238, 13431
117.....13239, 13433
165.....13851, 13853
Proposed Rules:
117.....13460
165.....13030, 13867

34 CFR

361.....13239
Proposed Rules:
50.....13034

38 CFR

3.....13435
19.....13437
Proposed Rules:
17.....13461
19.....13463

39 CFR

Proposed Rules:
20.....13868

40 CFR

52.....13854
55.....12982
60.....12871, 13438
70.....12872
71.....12972
72.....12974
74.....12974
78.....12974
82.....13655
Proposed Rules:
55.....12986
63.....13464
70.....12916
71.....12916
72.....12979
74.....12979
78.....12979

42 CFR

410.....13020, 13021
412.....13020, 13021
413.....13020, 13021
422.....13854
485.....13020, 13021

44 CFR

65.....13240, 13263

47 CFR

64.....12917
73 .....12894, 12895, 12896, 12897, 13855, 13856
90.....13020, 13023
Proposed Rules:
43.....13690
51.....13279
73 .....12920, 12921, 12922, 13691, 13870

48 CFR

19.....13856
1516.....12897
Proposed Rules:
904.....13473
952.....13473
970.....13473

49 CFR

Proposed Rules:
229.....13474

50 CFR

17.....13656
622.....13440
635.....13441
648.....12902, 13025
679 .....12912, 13029, 13266, 13671, 13672, 13856
697.....13443
Proposed Rules:
17.....13474, 13691
300.....13480
600.....13279, 13870
622.....13692
635.....13692
648 .....13279, 13281, 13694, 13695
660.....13035, 13483

REMINDERS

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.

RULES GOING INTO EFFECT MARCH 8, 2001

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Animal drugs, feeds, and related products:
Clindamycin hydrochloride liquid; published 3-8-01
Milbemycin oxime solution; published 3-8-01
Sponsor name and address changes—
MoorMan's, Inc.; published 3-8-01
Food additives:
Natamycin (Pimaricin); published 3-8-01

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Critical habitat designations—
Spectacled eider; published 2-6-01

TRANSPORTATION DEPARTMENT
Coast Guard
Bulk dangerous cargoes:
Liquid noxious substances and obsolete and current hazardous materials in bulk; published 11-8-00

TRANSPORTATION DEPARTMENT
Americans with Disabilities Act; implementation:
Accessibility guidelines—
Over-the-road buses; published 2-6-01

TREASURY DEPARTMENT
Alcohol, Tobacco and Firearms Bureau
Alcohol, tobacco, and other excise taxes:
Tobacco products—
Tobacco products and cigarette papers and tubes shipped from Puerto Rico; on-site supervision and forms eliminated; published 3-8-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Farm Service Agency
Program regulations:
Low-documentation direct operating loan (Lo-Doc) regulations; implementation; comments due by 3-12-01; published 1-9-01

AGRICULTURE DEPARTMENT
Rural Business-Cooperative Service
Program regulations:
Low-documentation direct operating loan (Lo-Doc) regulations; implementation; comments due by 3-12-01; published 1-9-01

AGRICULTURE DEPARTMENT
Rural Housing Service
Program regulations:
Low-documentation direct operating loan (Lo-Doc) regulations; implementation; comments due by 3-12-01; published 1-9-01

AGRICULTURE DEPARTMENT
Rural Utilities Service
Electric loans:
Principal and interest; payments extensions; comments due by 3-12-01; published 1-9-01
Program regulations:
Low-documentation direct operating loan (Lo-Doc) regulations; implementation; comments due by 3-12-01; published 1-9-01

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Magnuson-Stevens Act provisions—
Domestic fisheries; exempted fishing permit applications; comments due by 3-14-01; published 2-27-01
Domestic fisheries; exempted fishing permit applications; comments due by 3-14-01; published 2-27-01

DEFENSE DEPARTMENT
Federal Acquisition Regulation:
Helium acquisition; comments due by 3-12-01; published 1-11-01

ENVIRONMENTAL PROTECTION AGENCY
Air quality implementation plans; approval and promulgation; various States:
Maryland; comments due by 3-14-01; published 2-12-01
New Jersey; comments due by 3-12-01; published 1-9-01
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Tebufenozide; comments due by 3-12-01; published 1-10-01
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update; comments due by 3-12-01; published 1-11-01

FEDERAL COMMUNICATIONS COMMISSION
Radio services, special:
Fixed microwave services—
Multichannel video and data distribution service; 12.2-12.7 GHz band; comments due by 3-12-01; published 1-24-01
Radio stations; table of assignments:
California; comments due by 3-12-01; published 2-1-01
Georgia; comments due by 3-12-01; published 2-1-01
North Dakota; comments due by 3-12-01; published 2-1-01

GENERAL SERVICES ADMINISTRATION
Federal Acquisition Regulation:
Helium acquisition; comments due by 3-12-01; published 1-11-01

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration
Medicare:
Clinical psychology training programs; payment; comments due by 3-13-01; published 1-12-01

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Critical habitat designations—
Bay checkerspot butterfly; comments due by 3-12-01; published 2-9-01
Spruce-fir moss spider; correction; comments due by 3-14-01; published 2-27-01
Dolly Varden; comments due by 3-12-01; published 1-9-01
Marine mammals:
Polar bear trophies; importation from Canada; change in finding for M'Clintock Channel population; comments due by 3-12-01; published 1-10-01

LABOR DEPARTMENT
Employment and Training Administration
Welfare-to-work grants; governing provisions; comments due by 3-12-01; published 1-11-01

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Federal Acquisition Regulation:
Helium acquistion; comments due by 3-12-01; published 1-11-01

PENSION BENEFIT GUARANTY CORPORATION
Penalties; assessment and relief; policy statements; comments due by 3-13-01; published 1-12-01

TRANSPORTATION DEPARTMENT
Coast Guard
Ports and waterways safety:
McArdle Bridge, MA; safety zone; comments due by 3-15-01; published 3-8-01

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Bombardier; comments due by 3-16-01; published 2-14-01
McDonnell Douglas; comments due by 3-12-01; published 2-14-01
Raytheon; comments due by 3-12-01; published 2-14-01
Class D airspace; comments due by 3-15-01; published 2-13-01
Class E airspace; comments due by 3-15-01; published 1-31-01
Class E airspace; correction; comments due by 3-15-01; published 2-12-01

TRANSPORTATION DEPARTMENT
Federal Railroad Administration
Railroad workplace safety:
Roadway maintenance machine safety; comments due by 3-12-01; published 1-10-01

TRANSPORTATION DEPARTMENT
Saint Lawrence Seaway Development Corporation
Seaway regulations and rules:

Tariff of tolls; fees and charges for 2001 navigation season; comments due by 3-12-01; published 2-9-01

VETERANS AFFAIRS DEPARTMENT

Adjudications; pensions, compensation, dependency, etc.:

Type 2 diabetes; herbicide exposure; diseases subject to presumptive service connection; comments due by 3-12-01; published 1-11-01

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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