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Contents

Federal Register

Vol. 66, No. 75

Wednesday, April 18, 2001

Agriculture Department
See Animal and Plant Health Inspection Service
See Food Safety and Inspection Service
See Forest Service

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle and bison—
State and area classifications, 19847
PROPOSED RULES
Exportation and importation of animals and animal products:
Horses from Iceland; exemption from dourine, glanders, equine piroplasmosis, and equine infectious anemia testing during quarantine period, 19898–19899
Plant-related quarantine, foreign:
Unshu oranges from Japan, 19892–19898
Viruses, serums, toxins, etc.:
Dog; definition; withdrawn, 19899–19900
NOTICES
Environmental statements; availability, etc.:
Nonregulated status determinations—
Mycogen Seeds c/o Dow and Pioneer; genetically engineered corn, 19915–19916

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Injuries Prevention Among Older Adults Program, 19956–19958
Swine as food animals; antimicrobial resistance emergence and spread prevention programs, 19958–19960

Children and Families Administration
NOTICES
Organization, functions, and authority delegations:
Director, Refugee Resettlement Office, 19960–19961

Coast Guard
RULES
Drawbridge operations:
New York, 19856–19857
NOTICES
Environmental statements; availability, etc.:
U.S. Coast Guard Station (Small) Kings Point, NY, 20021

Commerce Department
See Export Administration Bureau
See Foreign-Trade Zones Board
See International Trade Administration

Comptroller of the Currency
PROPOSED RULES
Debt cancellation contracts and debt suspension agreements, 19901–19907
NOTICES
Agency information collection activities:
Proposed collection; comment request, 20030–20031

Consumer Product Safety Commission
NOTICES
Privacy Act:
Systems of records, 19921

Defense Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19921–19922

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Gettman, Jon; petition to reschedule marijuana denied, 20037–20076

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19922–19923
Submission for OMB review; comment request, 19923
Grants and cooperative agreements; availability, etc.:
National Institute on Disability and Rehabilitation Research—
Rehabilitation Engineering Research Centers, 20077–20080

Employment and Training Administration
NOTICES
Alien temporary employment labor certification process:
Centralized location designation in each State for H-2 applications processing (General Administration Letter No. 2-01), 19984–19986

Employment Standards Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19986–19988
Reports and guidance documents; availability, etc.:
Federal contractors and subcontractors; employee rights concerning union dues or fees payment, 19988–19989

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Research misconduct; Federal policy; agency implementation; meetings, 19900–19901
NOTICES
Electricity export and import authorizations, permits, etc.:
American Electric Power Service Corp., 19923–19925
Grants and cooperative agreements; availability, etc.:
Sciences and engineering training for Native Americans, African Americans, Hispanic Americans, Asian-Pacific Americans, women, and disabled students, etc., 19925
Powerplant and industrial fuel use; new electric powerplant coal capability:
Self-certification filings—
GenPower Earley LLC et al., 19925–19926

Environmental Protection Agency

RULES

Air quality implementation plans; approval and promulgation; various States:
Pennsylvania, 19858–19860
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Flumioxazin, 19870–19879
Hexythiazox, 19879–19891
Metolachlor, 19860–19863
Propiconazole, 19863–19870

PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:
Pennsylvania, 19910

NOTICES

Meetings:
Science Advisory Board, 19933
State FIFRA Issues Research and Evaluation Group, 19933–19935
Pesticide, food, and feed additive petitions:
Uniroyal Chemical Co., 19935–19939
Reports and guidance documents; availability, etc.:
Community and nontransient noncommunity public water systems operators; certification and recertification guidelines—
Operator Certification Expense Reimbursement Grants Program; State allocation methodology, 19939–19952
Water supply:
Public water supply supervision program—
Alabama, 19952

Export Administration Bureau

NOTICES

Imports:
Iron ore and semi-finished steel; national security investigation, 19917

Federal Aviation Administration

RULES

Airworthiness directives:
Bell, 19850–19852
Airworthiness standards:
Special conditions—
Cessna Aircraft Co. Model 500, 550, S550, and 560 series airplanes, 19847–19850
Class D and Class E airspace, 19852–19853
Class E airspace, 19853–19854

PROPOSED RULES

Class D airspace, 19907
Class E airspace, 19908–19909

NOTICES

Aeronautical land-use assurance; waivers:
Detroit City Airport, MI, 20020–20021
Exemption petitions; summary and disposition, 20022–20023
Meetings:
Aviation Rulemaking Advisory Committee, 20023
Passenger facility charges; applications, etc.:
Hall County Airport Authority, NE, et al., 20023–20026
Pocatello Regional Airport, ID, 20026

Federal Communications Commission

RULES

Television broadcasting:
Multiple ownership; national audience reach; CFR correction, 19891

NOTICES

Meetings:
Public Safety National Coordination Committee, 19952–19953

Federal Energy Regulatory Commission

NOTICES

Electric rate and corporate regulation filings:
Altofer, Inc., et al., 19929–19930
Environmental statements; notice of intent:
PG&E Gas Transmission, Northwest Corp., 19931–19932
Hydroelectric applications, 19932–19933
Applications, hearings, determinations, etc.:
Dominion Transmission, Inc., 19926
Natural Gas Pipeline Co. of America, 19926–19927
Northern Border Pipeline Co., 19927
Northern Natural Gas Co., 19927–19928
PG&E Gas Transmission, Northwest Corp., 19928
Texas Gas Transmission Corp., 19928

Federal Highway Administration

RULES

Intelligent Transportation System architecture and standards
Correction, 19854–19856

NOTICES

National Intelligent Transportation Systems Architecture; new user service, 20026–20027

Federal Maritime Commission

NOTICES

Agreements filed, etc., 19953
Ocean transportation intermediary licenses:
Eagle Transportation Services, Inc., et al., 19953–19954
Seair Export Import Services, Inc., 19954
World Way International Inc. et al., 19954

Federal Reserve System

NOTICES

Agency information collection activities:
Reporting and recordkeeping requirements, 19954–19955
Banks and bank holding companies:
Change in bank control, 19955
Formations, acquisitions, and mergers, 19955–19956
Permissible nonbanking activities, 19956

Federal Transit Administration

NOTICES

Buy America waivers:
Steril-Koni, U.S.A., Inc., 20027–20028

Fish and Wildlife Service

PROPOSED RULES

Endangered and threatened species:
Findings on petitions, etc.—
Sicklefin chub and sturgeon chub, 19910–19914

NOTICES

Endangered and threatened species permit applications, 19978–19979

Food and Drug Administration

RULES

Animal drugs, feeds, and related products:
Lasalocid, 19854

Food Safety and Inspection Service
NOTICES
Meetings:
Microbiological Criteria for Foods National Advisory Committee, 19916

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Georgia
Merck & Co., Inc.; pharmaceutical plant, 19917
Louisiana
Conoco, Inc.; oil refinery complex, 19918
North Carolina
Merck & Co., Inc.; pharmaceutical plant, 19918
Pennsylvania
Merck & Co., Inc.; pharmaceutical plant, 19918–19919
Virginia
Merck & Co., Inc.; pharmaceutical plant, 19919

Forest Service
NOTICES
Meetings:
Opal Creek Scenic Recreation Area Advisory Council, 19916–19917

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

Health Care Financing Administration
NOTICES
Organization, functions, and authority delegations:
Provider Reimbursement Review Board et al.; address changes, 19961

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19961–19962
Grant and cooperative agreement awards:
Housing Opportunities for Persons with AIDS Program, 19962–19967
Section 8 Housing Choice Voucher Program; fair share allocation of informational voucher funding, 19967–19978

Indian Affairs Bureau
NOTICES
Meetings:
Indian education topics; tribal consultation, 19979–19980

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 20031–20032
Inflation adjustment factor and reference prices:
Renewable electricity production credit, 20032
Meetings:
Citizen Advocacy Panels—
Pacific-Northwest District, 20032

International Trade Administration
NOTICES
Antidumping:
Stainless steel bar from—
Varous countries, 19919–19920
Export trade certificates of review, 19920–19921
Applications, hearings, determinations, etc.:
Argonne National Laboratory, 19920

International Trade Commission
NOTICES
Import investigations:
Caribbean Basin Economic Recovery Act; impact on U.S. industries and consumers and beneficiary countries; annual report, 19980
Folding gift boxes from—
China, 19981
Silicomanganese from—
Various countries, 19981–19982
Wheat trading practices; U.S.-Canada competitive conditions, 19982–19983

Justice Department
See Drug Enforcement Administration

Labor Department
See Employment and Training Administration
See Employment Standards Administration
See Occupational Safety and Health Administration
See Pension and Welfare Benefits Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Global HIV/AIDS Workplace Education Program, 19983–19984

Land Management Bureau
NOTICES
Meetings:
National Historic Oregon Trail Interpretive Center Advisory Board, 19980

Maritime Administration
NOTICES
Meetings:
Marine Transportation System National Advisory Council, 20028

National Aeronautics and Space Administration
NOTICES
Meetings:
Advisory Council
Earth Systems Science and Applications Advisory Committee, 19993–19994
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Kelly Manufacturing Co., 19994

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Dan Hill & Associates, Inc., et al., 20028–20030

Nuclear Regulatory Commission
PROPOSED RULES
Fee schedules revision; 98% fee recovery (2001 FY)
Correction, 20035
NOTICES
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 19998–20018

Applications, hearings, determinations, etc.:
Duke Cogema Stone & Webster, 19994–19996
Southern California Edison Co., 19996–19997
Southern Nuclear Operating Co., 19997–19998

Occupational Safety and Health Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Susan Harwood Training Program, 19989–19992

Pension and Welfare Benefits Administration
NOTICES
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 19992–19993

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration

Small Business Administration
NOTICES
Disaster and emergency areas:
Massachusetts, 20018
License surrenders:
Mezzanine Capital Partners, Inc., 20018–20019

Social Security Administration
NOTICES
Privacy Act:
Computer matching programs, 20019

State Department
NOTICES
Art objects; importation for exhibition:
Science Under Sail: Russia's Great Voyages to America (1728-1867), 20019–20020

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
See Maritime Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 20020
Weekly receipts, 20020

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

Veterans Affairs Department
RULES
Adjudication; pensions, compensation, dependency, etc.:
Proof of service; evidence certification, 19857–19858
NOTICES
Privacy Act:
Computer matching programs, 20032–20033
Systems of records, 20033–20034

Separate Parts In This Issue

Part II
Department of Justice, Drug Enforcement Administration, 20037–20076

Part III
Department of Education, 20077–20080

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.

7 CFR

Proposed Rules:
319 19892

9 CFR
78 19847

Proposed Rules:
93 19898
101 19899

10 CFR

Proposed Rules:
150 20035
170 20035
171 20035
733 19900

12 CFR

Proposed Rules:
7 19901
37 19901

14 CFR
25 19847
39 19850
71 (2 documents) 19852, 19853

Proposed Rules:
71 (3 documents) 19907, 19908, 19909

21 CFR
556 19854

23 CFR
940 19854

33 CFR
117 19856

38 CFR
3 19857

40 CFR
52 19858
180 (4 documents) 19860, 19863, 19870, 19879

Proposed Rules:
52 19910

47 CFR
73 19891

50 CFR

Proposed Rules:
17 19910

Rules and Regulations

Federal Register
Vol. 66, No. 75
Wednesday, April 18, 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

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 00–103–2]

Brucellosis in Cattle; State and Area Classifications; South Dakota

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of South Dakota from Class A to Class Free. The interim rule was based on our determination that South Dakota meets the standards for Class Free status. The interim rule relieved certain restrictions on the interstate movement of cattle from South Dakota.

EFFECTIVE DATE: The interim rule became effective on December 4, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on December 4, 2000 (65 FR 75581–75582, Docket No. 00–103–1), we amended the brucellosis regulations in 9 CFR part 78 by removing South Dakota from the list of Class A States in paragraph (b) of § 78.41 and adding it to the list of Class Free States in paragraph (a) of that section.

Comments on the interim rule were required to be received on or before February 2, 2001. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 65 FR 75581–75582 on December 4, 2000.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9627 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM188; Special Conditions No. 25–177–SC]

Special Conditions: Cessna Aircraft Company Model 500, 550, S550, and 560 Series Airplanes; High-Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Cessna Aircraft Company Model 500, 550, S550, and 560 series airplanes modified by ElectroSonics. These modified airplanes will have a novel or unusual design feature associated with the installation of new dual air data display unit systems that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 10, 2001. Comments must be received on or before May 18, 2001.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–114), Docket No. NM188, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at that address. All comments must be marked: *Docket No. NM188.* Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: For information concerning the certification program for Cessna Model 500, 550, S550, and 560 airplanes, contact: Meghan Gordon, Federal Aviation Administration, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2138; fax (425) 227–1149.

For information on the general subject of HIRF, contact: Stephen Slotte, Federal Aviation Administration, Transport airplane Directorate, Airplane and Flight Crew Interface Branch, ANM–111, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2315; fax (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or

arguments, as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified in the **ADDRESSES** section, above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM188.'' The postcard will be date stamped and returned to the commenter.

Background

On August 10, 2000, ElectroSonics, 4391 International Gateway, Columbus, Ohio, applied for a Supplemental Type Certificate (STC) to modify Cessna Aircraft Company Model 500, 550, S550, and 560 airplanes. These models are certificated under 14 CFR part 25 as (small) transport category airplanes.

- The Cessna Model 500 airplane is powered by two Pratt & Whitney JT15D–1(A/B) turbofans with a maximum takeoff weight of 11,850 pounds. This airplane operates with a two-pilot crew and can hold up to 7 passengers.
- The Cessna Model 550 airplane is powered by two Pratt & Whitney JT15D–4 turbofans with a maximum takeoff weight of 14,100 pounds. This airplane operates with a two-pilot crew and can hold up to 11 passengers.
- The Cessna Model S550 airplane is powered by two Pratt & Whitney JT15D–4B turbofans with a maximum takeoff weight of 15,100 pounds. This airplane operates with a two-pilot crew and can hold up to 11 passengers.
- The Cessna Model 560 airplane is powered by two Pratt & Whitney JT15D–5A/D turbofans with a maximum takeoff weight of 16,300 pounds. This airplane operates with a two-pilot crew and can hold up to 11 passengers.

The modification that is the subject of these special conditions incorporates the installation of Innovative Solutions & Support air data display units (ADDU). The ADDU is a replacement for the existing analog flight instrumentation, and provides additional functional capability and redundancy in the system. The avionics/electronics and electrical systems installed in the subject Cessna airplanes have the potential to be vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR 21.101, ElectroSonics must show that the Cessna Model 500, 550, S550, and 560 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A22CE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations included in the certification basis for theses airplanes are as follows:

1. For the Cessna Model 500 Airplane

- 14 CFR part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–17; §§ 25.934 and 25.1091(d)(2) as amended by Amendments 25–1 through 25–23;
- § 25.1387 as amended by Amendments 25–1 through 25–30;
- §§ 25.1385 and 25.1303(a)(2) as amended by Amendments 25–1 through 25–38;
- Special Conditions 25–25–CE–4; and
- additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

2. For the Cessna Model 550 Airplane

- 14 CFR part 25 effective February 1, 1965, as amended by Amendments 25–1 through 25–17;
- §§ 25.934 and 25.1091(d)(2) as amended by Amendments 25–1 through 25–23;
- § 25.1401 as amended by Amendments 25–1 through 25–27;
- § 25.1387 as amended by Amendments 25–1 through 25–30;
- §§ 25.1303(a)(2) and 25.1385(c) as amended by Amendments 25–1 through 25–38;
- Special Conditions 25–25–CE–4; and
- additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

3. For the Cessna Model S550 Airplane

- 14 CFR part 25 effective February 1, 1965, as amended by Amendments 25–1 through 25–17;
- §§ 25.251(e), 25.934, and 25.1091(d)(2) as amended by Amendments 25–1 through 25–23;
- § 25.1401 as amended by Amendments 25–1 through 25–27;
- § 25.1387 as amended by Amendments 25–1 through 25–30;
- §§ 25.787, 25.789, 25.791, 25.853, 25.855, 25.857, and 25.1359 as amended by Amendments 25–1 through 25–32;
- §§ 25.1303(a)(2) and 25.1385(c) as amended by Amendments 25–1 through 25–38;
- Special Conditions 25–25–CE–4; and
- additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

4. For the Cessna Model 560 Airplane, Serial Numbers 560–0001 through 560–0259

- 14 CFR part 25 effective February 1, 1965, as amended by Amendments 25–1 through 25–17;
- §§ 25.251(e), 25.934, and 25.1091(d)(2) as amended by Amendments 25–1 through 25–23;
- § 25.1401 as amended by Amendments 25–1 through 25–27;
- § 25.1387 as amended by Amendments 25–1 through 25–30;
- §§ 25.787, 25.789, 25.791, 25.853, 25.855, 25.857, and 25.1359 as amended by Amendments 25–1 through 25–32;
- §§ 25.1303(a)(2) and 25.1385(c) as amended by Amendments 25–1 through 25–38;
- Special Conditions 25–25–CE–4; and
- additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

5. For the Cessna Model 560 Airplane, Serial Numbers 560–0260 Through 560–0538

- 14 CFR part 25 effective February 1, 1965, as amended by Amendments 25–1 through 25–17;
- §§ 25.251(e), 25.934, and 25.1091(d)(2) as amended by Amendments 25–1 through 25–23;
- § 25.1401 as amended by Amendments 25–1 through 25–27;
- § 25.1387 as amended by Amendments 25–1 through 25–30;
- §§ 25.787, 25.789, 25.791, 25.853, 25.855, 25.857, and 25.1359 as amended by Amendments 25–1 through 25–32;
- §§ 25.1303(a)(2) and 25.1385(c) as amended by Amendments 25–1 through 25–38;
- § 25.305 as amended by Amendments 25–1 through 25–54; and
- § 25.1001 as amended by Amendments 25–1 through 25–57.

In addition to the applicable airworthiness regulations and special conditions, these Cessna Model 500, 550, S550, and 560 airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

The Effect of Special Conditions on the Type Certification Basis

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25, as amended) do not contain adequate or appropriate safety standards for the Cessna Model 500, 550, S550, and 560 airplanes modified by ElectroSonics because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38. In accordance with § 21.101(b)(2), the special conditions approved in this document will form an additional part of the type certification basis for these airplanes.

Special conditions are initially applicable to the model for which they are issued. Should ElectroSonics apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As noted earlier, the Cessna Model 500, 550, S550, and 560 airplanes modified by ElectroSonics will incorporate a dual electronic primary flight display system that will perform critical functions. This system may be vulnerable to HIRF external to the airplane. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Cessna Model 500, 550, S550, and 560 airplanes modified by ElectroSonics. These special conditions require that new avionics/electronics and electrical systems that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical avionics/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1, or, alternatively, paragraph 2., below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

or

2. A threat external to the airframe for both of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from Table 1 are to be demonstrated.

TABLE 1

Frequency	Field Strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified in Table 1 are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Cessna Model 500, 550, S550, and 560 airplanes modified by ElectroSonics. Should ElectroSonics apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate A22CE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Cessna Model 500, 550, S550, and 560 airplanes modified by ElectroSonics. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Cessna Aircraft Company Model 500, 550, S550, and 560 series airplanes modified by ElectroSonics:

1. *Protection From Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on April 10, 2001.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9531 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–06–AD; Amendment 39–12181; AD 2001–08–04]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Inc. Model 205A–1, 205B, 212, 412, 412CF, and 412EP Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for Bell Helicopter Textron Inc. (BHTI) Model 205A–1, 205B, 212, 412, and 412CF helicopters. That AD currently requires inspecting the locking washer on each main rotor actuator (actuator) for twisting or damage to the tab and replacing any locking washer that has a twisted or damaged tab. Replacing certain locking washers, regardless of condition, is also required within a specified time period. Installing a certain airworthy locking device on each actuator constitutes terminating action for the requirements of that AD. This amendment requires the same actions as the existing AD but adds the BHTI Model 412EP helicopters to the applicability. This amendment is prompted by the discovery that the BHTI Model 412EP helicopter was inadvertently omitted from the existing AD. The actions specified by this AD are intended to prevent an actuator piston from unthreading from its rod end, loss of control of the main rotor, and subsequent loss of control of the helicopter.

DATES: Effective May 3, 2001.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of December 28, 2000 (65 FR 77780, December 13, 2000).

Comments for inclusion in the Rules Docket must be received on or before June 18, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–06–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.

The service information referenced in this AD may be obtained from HR Textron, 25200 W. Rye Canyon Road, Santa Clarita, California 91355–1265, telephone (611) 702–5509, fax (661) 702–5970. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Alfred Boutin, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: On November 30, 2000, the FAA issued AD 2000–25–03, Amendment 39–12037 (65 FR 77780), to require, within 25 hours time-in-service (TIS), inspecting the tab on the NAS513–6 locking washer on all actuators, part number (P/N) 41105950, serial number with an ''HR'' prefix up to and including 490 and P/N 41000470, serial numbers with a prefix of ''HR'' up to and including 10010, for a twisted or damaged tab. P/N's 41105950 and 41000470 were assigned by HR Textron, the manufacturer; the BHTI P/N's are 205–076–036 and 212–076–005. Replacing any twisted or damaged locking washer with an airworthy NAS1193K6C locking device is required before further flight. Replacing any NAS513–6 locking washer with an airworthy NAS1193K6C locking device, regardless of the condition of the tab, is required within 100 hours TIS or at the next actuator overhaul, whichever occurs first. Installing an airworthy NAS 1193K6C locking device on all actuators constitutes terminating action for the requirements of that AD. That action was prompted by the discovery of a damaged locking washer. The damage to the locking washer was discovered when an operator experienced a problem with a collective control while attempting to take off. The collective control could not be moved upward from the full down position. Further inspection revealed that the lower piston of the actuator had unthreaded and separated from the lower rod end, causing the piston to make contact with the rod end support assembly and lodge against the rod end shank at an angle limiting any movement of the collective control. The collective servo cylinder assembly is used to provide irreversible collective control of the main rotor. Because the actuator end locking washer failed, the servo lower piston could rotate inside the lower servo head assembly and unthread itself from the rod end. That condition, if not corrected, could cause loss of control of the main rotor and subsequent loss of control of the helicopter.

Since the issuance of that AD, we discovered that we inadvertently omitted the BHTI Model 412EP helicopters from the applicability of the AD.

The FAA has reviewed HR Textron Alert Service Bulletin (ASB) No. 41000470–67A–05, Revision 1 and HR Textron ASB No. 41105950–67A–01, Basic Issue, both dated October 19, 2000, which describe procedures for inspecting and replacing certain locking washers. BHTI has issued ASB No.''s 205–00–79, 205B–00–33, 212–00–109, 412–00–105, and 412CF–00–12, all dated October 19, 2000, which include the applicable HR Textron ASB's.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 205A–1, 205B, 212, 412, 412CF, and 412EP helicopters of the same type designs, this AD is being issued to prevent an actuator piston from unthreading from

the rod end causing loss of collective control and subsequent loss of control of the helicopter. This AD requires the same actions as the previous AD and adds the BHTI Model 412EP helicopters to the applicability. The actions must be accomplished in accordance with the ASB's described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, the actions described previously are required at the specified time intervals, and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 550 helicopters will be affected by this AD. It will take approximately 1 work hour to inspect the locking washer, 6 work hours per helicopter to replace the three locking devices on each helicopter, and the average labor rate is $60 per work hour. Required parts will cost approximately $20 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $209,000, assuming all the locking devices on all the helicopters are replaced without any inspections.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001-SW–06-AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the 1 distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12037 (65 FR 77780, December 13, 2000), and by adding a new airworthiness directive (AD), Amendment 39–12181, to read as follows:

2001–08–04 Bell Helicopter Textron Inc.: Amendment 39–12181. Docket No. 2001–SW–06–AD. Supersedes AD 2000–25–03, Amendment 39–12037, Docket No. 2000–SW–49–AD.

Applicability: (a) Model 205A–1 helicopters with a hydraulic servo actuator (actuator), part number (P/N) 41105950, serial numbers with an ''HR'' prefix up to and including 490, installed, certificated in any category; and

(b) Model 205A–1, 205B, 212, 412, 412CF, and 412EP helicopters with an actuator, P/N 41000470, serial numbers with an ''HR'' prefix up to and including 10010, installed, certificated in any category.

Note 1: P/N 41105950 is the P/N assigned by HR Textron, the actuator manufacturer. Bell Helicopter Textron, Inc. (BHTI) has assigned P/N 205–076–036 to this part when fitted with a support mount. P/N 41000470 is the P/N assigned by HR Textron; BHTI has assigned P/N 212–076–005 to this part when fitted with a support mount.

Note 2: 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent an actuator piston from unthreading from its rod end, loss of control of the main rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS), inspect the tab on the NAS513–6 locking washer on each actuator for any twisting or damage in accordance with the Accomplishment Instructions, paragraph A., of HR Textron Alert Service Bulletin (ASB) No. 41000470–67A–05, Revision 1, dated October 19, 2000 or HR Textron ASB No. 41105950–67A–01, Basic Issue, dated October 19, 2000, as applicable to the affected actuator P/N. Replace any twisted or damaged locking washer with an airworthy NAS1193K6C locking device before further flight.

(b) Within 100 hours TIS or at the next actuator overhaul, whichever occurs first, replace the NAS513–6 locking washer on each actuator with an airworthy NAS1193K6C locking device.

(c) Installation of an airworthy NAS1193K6C locking device on each of the three actuators constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(e) 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.

(f) The inspections and modifications shall be done in accordance with the Accomplishment Instructions, paragraph A., of HR Textron Alert Service Bulletin No. 41000470–67A–05, Revision 1 or HR Textron ASB No. 41105950–67A–01, Basic Issue, both dated October 19, 2000, as applicable to the affected actuator P/N. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of December 28, 2000 (65 FR 77780, December 13, 2000). Copies may be obtained from HR Textron, 25200 W. Rye Canyon Road, Santa Clarita, California 91355–1265, telephone (611) 294–6000, fax (661) 259–9622. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: BHTI ASB No.'s 205–00–79, 205B–00–33, 212–00–109, 412–00–105, and 412CF–00–12, all dated October 19, 2000, pertain to the subject of this AD and include the applicable HR Textron Alert Service Bulletins.

(g) This amendment becomes effective on May 3, 2001.

Issued in Fort Worth, Texas, on April 10, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–9498 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ANE–91]

Establishment of Class D and Class E Airspace; Oxford, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D and Class E airspace areas at Oxford, CT (KOXC) to accommodate a new Air Traffic Control Tower at Waterbury-Oxford Airport, Oxford, Connecticut.

EFFECTIVE DATE: 0901 UTC, May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Michael A. Baney, Air Traffic Division, Airspace Branch, ANE–520.7, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7586; fax (781) 238–7596.

SUPPLEMENTARY INFORMATION:

History

On March 17, 2000, the FAA published a Notice of Proposed Rulemaking to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class D and Class E airspace areas in the vicinity of Oxford, CT. This action resulted from notice by the State of Connecticut that it had approved plans for the construction of a permanent Air Traffic Control Tower (ATCT) at Waterbury-Oxford Airport (KOXC), Oxford, Connecticut. The State has applied to have the ATCT operated under the FAA Contract Tower Program. Accordingly, the State requested that the FAA establish a Class D airspace area in vicinity of the Waterbury-Oxford Airport commensurate with the commissioning of the new ATCT. Air traffic at the Waterbury-Oxford Airport has grown over recent years and presently includes both high-speed jets and slower speed reciprocating powered light aircraft, as well as rotorcraft.

The FAA establishes Class D airspace where necessary to provide a safe environment for aircraft transiting between the enroute and terminal airspace structures. This is particularly true when aircraft with greatly different performance characteristics operate at the same airport. Class D airspace areas encompass that airspace in the vicinity of an airport from the surface upward to a specified altitude in which pilots of aircraft must establish and maintain two-way radio communications with the ATCT at that airport. This action creates a Class D airspace area in the vicinity of the Waterbury-Oxford Airport extending upward from the surface to 3,200 feet MSL within a 5-mile radius of the airport. In addition, the FAA finds that a Class E airspace area, extending from the surface as an extension of the Class D airspace area, is necessary in order to provide sufficient controlled airspace to accommodate those aircraft arriving at the airport using a standard instrument approach procedure (SIAP). The Waterbury-Oxford Airport has a SIAP that requires the establishment of a Class E surface airspace area extending to northwest of the airport along the Waterbury (TBY) NDB 353° bearing to a point 7.6 miles from the airport. This action provides for the safe and efficient use of the navigable airspace in the vicinity of the Waterbury-Oxford Airport, and promote safe flight operations under both Instrument Flight Rules (IFR) and Visual Flight Rules (VFR) by aircraft transiting to and from the enroute airspace structure.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Based on further review of the proposal, the FAA had corrected the latitude coordinate for the Waterbury-Oxford Airport from 41°28′46″ N to 41°28′43″ N, and has added the latitude and longitude coordinates for the Waterbury (TBY) Non-Directional Beacon (NDB) to the description of the new Class E airspace area. The coordinates for this airspace action are based on North American Datum 83. These changes neither increase the scope of this action nor change any of the agency's findings with respect to this action.

Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9H, and Class E airspace designations for airspace designated as extensions of a Class D airspace area are published in paragraph 6004 of FAA Order 7400.9H. FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class D and Class E airspace areas in the vicinity of Oxford, CT.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these

proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

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

Paragraph 5000 Class D Airspace.

* * * * *

ANE CT D Oxford, CT [New]

Waterbury-Oxford Airport, CT
(Lat. 41°28′43″ N, long. 73°08′07″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 5-mile radius of Waterbury-Oxford Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as Extensions to Class D Airspace Areas.

* * * * *

ANE CT E4 Oxford, CT [New]

Waterbury-Oxford Airport, CT
(Lat. 41°28′43″ N, long. 73°08′07″ W)
Waterbury NDB
(Lat. 41°31′45″ N, long. 73°08′38″ W)

That airspace extending upward from the surface within 3.6 miles on each side of the Waterbury (TBY) NDB 353° bearing extending from a 5-mile radius of Waterbury-Oxford Airport to 7.6 miles northwest of the TBY NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Burlington, MA, on April 06, 2001.

William C. Yuknewicz,

Assistant Manager, Air Traffic Division.

[FR Doc. 01–9532 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–12FR]

Establish Class E Airspace; Culpepper, VA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Culpepper, VA. This action is necessitated by the development of a Helicopter Point in Space Approach to the Culpepper Memorial Hospital Heliport, Culpepper, VA. Controlled airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) is needed to contain aircraft executing the Point in Space approach to the Culpepper Memorial Hospital Heliport.

EFFECTIVE DATE: 0901 UTC May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On February 12, 2001 a document proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) for the Helicopter Point in Space approach to the Culpepper Memorial Hospital Heliport, Culpepper, VA, was published in the **Federal Register** (65 FR 70322–70323).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before March 5, 2001. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations at the Culpepper Memorial Hospital Heliport, Culpepper, VA.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA VA E5 Culpepper, VA

Culpepper Memorial Hospital Heliport
(Lat. 38°27′54.88″ N/long. 78°52′66″ W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Culpepper Memorial Hospital Heliport.

* * * * *

Issued in Jamaica, New York, on March 12, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–9600 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Lasalocid

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 Alpharma, Inc., which provides for establishing tolerances for residues of lasalocid in edible tissues of poultry.

DATES: This rule is effective April 18, 2001.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed a supplement to NADA 96–298 that provides for the use of Avatec® (lasalocid sodium) Premix, a Type A medicated article. The supplement provides for establishing tolerances for residues of lasalocid in edible tissues of chickens and turkeys. The supplement is approved as of February 20, 2001, and the regulations in § 556.347 (21 CFR 556.347) are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In addition, the agency is taking the opportunity to codify the acceptable daily intake (ADI) for total residues of lasalocid which was previously established, and to establish a tolerance for residues of lasalocid in sheep liver. The regulations are further amended in § 556.347 to reflect these actions.

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 556

Animal drugs, Foods.

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 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

2. Section 556.347 is revised to read as follows:

§ 556.347 Lasalocid.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of lasalocid is 10 micrograms per kilogram of body weight per day.

(b) *Tolerances*—(1) *Cattle.* The tolerance for parent lasalocid (the marker residue) in liver (the target tissue) is 0.7 part per million (ppm).

(2) *Chickens*—(i) *Skin with adhering fat (the target tissue).* The tolerance for parent lasalocid (the marker residue) is 1.2 ppm.

(ii) *Liver.* The tolerance for parent lasalocid (the marker residue) is 0.4 ppm.

(3) *Turkeys*—(i) *Liver (the target tissue).* The tolerance for parent lasalocid (the marker residue) is 0.4 ppm.

(ii) *Skin with adhering fat.* The tolerance for parent lasalocid (the marker residue) is 0.4 ppm.

(4) *Rabbits.* The tolerance for parent lasalocid (the marker residue) in liver (the target tissue) is 0.7 ppm.

(5) *Sheep.* The tolerance for parent lasalocid (the marker residue) in liver (the target tissue) is 1.0 ppm.

Dated: April 9, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–9522 Filed 4–17–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 940

[FHWA Docket No. FHWA–99–5899]

RIN 2125–AE65

Intelligent Transportation System Architecture and Standards

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical corrections.

SUMMARY: The purpose of this document is to issue a final rule to make necessary technical corrections concerning Intelligent Transportation Systems (ITS) Architecture and Standards. These corrections are necessary because the effective date of the regulation was extended 60 days without any changes to two dates cited in the regulation that are intended to be based on the effective date of the regulation. This rule amends those dates to comply with the new effective date of the ITS Architecture and Standards rule.

EFFECTIVE DATE: April 18, 2001.

FOR FURTHER INFORMATION CONTACT: *For technical information:* Mr. Bob Rupert, (202) 366–2194, Office of Travel Management (HOTM–1) and Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1). *For legal information:* Mr. Wilbert Baccus, Office of the Chief Counsel (HCC–32), (202) 366–1346, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

An electronic copy of this document 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 web site at: *http://www.access.gpo.gov/nara.*

Background

On January 8, 2001, at 66 FR 1446, the FHWA published a final regulation regarding 23 CFR Parts 655 and 940, Intelligent Transportation Systems Architecture and Standards. The effective date of that regulation was February 7, 2001. The FHWA published a supplemental regulation extending the effective date of that regulation to April 8, 2001, at 66 FR 9198 on February 7, 2001.

The original regulation contained two dates upon which some requirement of this regulation was based; specifically, in §§ 940.9 and 940.11. Those dates were originally based on the effective date of the regulation as published on January 8, 2001. The date specified in § 940.9(b) was intended to be four years from the effective date of the regulation. The date specified in § 940.11(g) was intended to be the effective date of the regulation. When the effective date of the regulation was changed by supplemental rulemaking to April 8, 2001, those two dates cited in the regulation were not adjusted accordingly. Therefore, the purpose of this rulemaking is to correct those two dates to reflect the intent of the original rulemaking.

The FHWA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3). Seeking public comment is impractical, unnecessary, and contrary to public interest. The 60 day delay in the effective date from February 7, 2001 to April 8, 2001, was necessary to give Department officials the opportunity for further review and consideration of the new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking public comment on the changes of these two dates would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. These dates were originally based on the effective date of the regulation as published on January 8, 2001. The dates must be changed to comply with the new effective date as published on February 7, 2001. The imminence of the effective date and the impact that date has on projects that have reached their final design by that date are also good causes for making this action effective immediately upon publication.

Summary of Requirements

This final rule changes two dates in Part 940, Intelligent Transportation Systems Architecture and Standards. The date on which regions that are implementing ITS must develop a regional architecture will be changed from February 7, 2005, to April 8, 2005. The date by which projects that have reached final design are exempt from the project implementation requirements of § 940.9 will be changed from February 7, 2001, to April 8, 2001.

Rulemaking Analyses and Notices

The FHWA's issuance of this rule without prior notice and opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3). Seeking public comment is impracticable and unnecessary. On February 7, the FHWA delayed the effective date of its final rule until April 8. Given the imminence of the new effective date, seeking public comment on the changes of the two implementation dates contained in the rule is impractical, as well as contrary to the orderly promulgation and implementation of regulations.

Because these two implementation dates were based on the original effective date of the regulation as published on January 8, 2001, these two implementation dates now should be changed to comply with the new effective date as published on February 7, 2001. Without this change, the final rule would be effective on April 8, and would have a retroactive impact on some projects based on the previous effective date of February 7.

Moreover, the FHWA believes that further opportunity for public comment on these two implementation dates is unnecessary, because in its NPRM the FHWA had proposed that these two implementation dates be calculated from the effective date of the final rule. Today's action merely conforms the final rule to the new effective date announced on February 7. In the NPRM, the FHWA proposed the requirement that any region currently implementing ITS projects shall develop a regional architecture within 2 years of the effective date of the final rule. Commenters recommended extending this time to 4 years. The effect of today's action is to make clear that, at the time the final rule goes into effect on April 8, any region that is currently implementing ITS projects shall develop a regional architecture within 4 years. Furthermore, any ITS project that has advanced to final design by April 8 (rather than February 7) is exempt from the requirement that all ITS projects conform to the regional ITS architecture.

For these same reasons discussed above, the FHWA believes good cause exists for making this action effective immediately upon publication.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. The economic impact, if any, anticipated as a result of this action is so minimal, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities and has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is merely to correct dates in the rule to comply with the delay in the effective date. For this reason, the FHWA certifies that this action will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This action does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104–4, March 22, 1995, 109 Stat. 48). This rule will not result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this action does not preempt any State law or State regulation or affect the State's ability to discharge traditional State governmental functions.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that this technical correction will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, a tribal impact statement is not required.

Executive Order 12372 (Intergovernmental Review)

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.

Paperwork Reduction Act of 1995

This action does not contain information collection requirements for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

We have analyzed this action under 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 health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

National Environmental Policy Act

The agency has analyzed this action for the purposes of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347), and has determined that this action will not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 940

Design standards, Grant programs—transportation, Highways and roads, Intelligent transportation systems.

Issued on: April 11, 2001.

Vincent F. Schimmoller,

Deputy Executive Director.

In consideration of the foregoing, the FHWA amends 23 CFR Part 940 as set forth below:

PART 940—INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE AND STANDARDS

1. The authority for 23 CFR part 940 continues to read as follows:

Authority: 23 U.S.C. 101, 106, 109, 133, 315, and 508; sec. 5206(e), Pub. L. 105–178, 112 Stat. 457 (23 U.S.C. 502 note); and 49 CFR 1.48.

§ 940.9 [Amended]

2. In § 940.9, correct the date ''February 7, 2005'' in paragraph (b) to read ''April 8, 2005.''

§ 940.11 [Amended]

3. In § 940.11, correct the date ''February 7, 2001'' in paragraph (g) to read ''April 8, 2001.''

[FR Doc. 01–9538 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–011]

RIN 2115–AE47

Drawbridge Operation Regulations: Harlem River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the drawbridge operation regulations for the two Broadway bridges, at mile 6.8, across the Harlem River at New York City, New York. This temporary rule will allow the bridge owner to need not open the bridges for the passage of navigation from May 15, 2001 through August 15, 2001, in order to facilitate bridge painting operations at the bridge. Vessels that can pass under the bridges without bridge openings may do so at any time.

DATES: This rule is effective from May 15, 2001 through August 15, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–01–011) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Arca, Project Officer, First Coast Guard District, (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 6, 2001, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Harlem River, New York, in the **Federal Register** (66 FR 13460). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The two Broadway bridges, at mile 6.8, across the Harlem River have a vertical clearance of 24 feet at mean high water and 29 feet at mean low water. The existing operating regulations at 33 CFR 117.789(c) require the two Broadway bridges to open on signal from 10 a.m. to 5 p.m. if at least a four-hour advance notice is given. From 5 p.m. to 10 a.m. the bridges need not open for vessel traffic.

The owner of the bridges, the New York City Department of Transportation (NYCDOT), requested a temporary change to the operating regulations for the bridges to allow the bridges to remain in the closed position from May 15, 2001 through August 15, 2001, to facilitate painting operations. Vessels that can pass under the bridges without openings may do so at all times.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking and no changes will be made to this final rule.

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). This conclusion is based on the fact that keeping the bridges closed should have no significant impact on navigation because the bridges opened only one time from 1999 through 2001.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. ''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 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 conclusion is based on the fact that the closure of the bridges should have no significant impact on navigation because the bridges have opened only one time from 1999 through 2001.

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

We have analyzed this rule under Executive Order 13132 and have 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 unfunded mandate costs. This rule will 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 Executive Order 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 Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under 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 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, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From May 15, 2001 through August 15, 2001, § 117.789 is temporarily amended by suspending paragraph (c) and adding a new paragraph (g) to read as follows:

§ 117.789 Harlem River.

* * * * *

(g) The draws of the bridges at 103rd Street, mile 0.0, Willis Avenue, mile 1.5, 3rd Avenue, mile 1.9, Madison Avenue, mile 2.3, 145th Street, mile 2.8, Macombs Dam, mile 3.2, and 207th Street, mile 6.0, shall open on signal from 10 a.m. to 5 p.m. if at least a four-hour advance notice is given to the New York City Highway Radio (Hotline) Room. The two Broadway bridges, mile 6.8, need not open for vessel traffic.

Dated: April 9 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–9535 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ55

Certification of Evidence for Proof of Service

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the nature of evidence that VA will accept as proof of military service. In the past, VA only accepted original service documents or copies of service documents issued by the service department or by a public custodian of records. This change authorizes VA to accept photocopies of service documents as evidence of military service if they are certified to be true copies of documents acceptable to VA by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records. The intended effect of this amendment is to streamline the processing of claims for benefits.

DATES: April 18, 2001.

FOR FURTHER INFORMATION CONTACT: Bill Russo, Attorney-Advisor, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420; telephone (202) 273–7210; e-mail capbruss@vba.va.gov.

SUPPLEMENTARY INFORMATION: On June 27, 2000, VA published in the **Federal Register** (65 FR 39580–39581), a proposed regulation to amend VA adjudication regulations to allow VA to accept photocopies of service documents as proof of service if they are certified by a claimant's representative who has successfully completed VA-prescribed training on military records, to be true copies of the original documents acceptable to VA. We asked for comments by August 28, 2000 and we received written comments from the American Legion and the Veterans of Foreign Wars. The two commentors did not suggest any changes.

The American Legion stated that the proposed regulation would be helpful to veterans and their representatives in submitting more completely developed claims. They also stated that it will help streamline VA claims procedures and help speed up the overall adjudication process. The Veterans of Foreign Wars stated that they concur with the proposed regulation.

Based on the rationale set forth in the proposed rule and this document, we are adopting the provisions of the proposed rule as a final rule without any changes.

Paperwork Reduction Act

The certification referenced in this final rule is not ''information'' in a collection of information as defined under 5 CFR 1320.3(h)(1). Therefore, this final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This final rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, 64.110, and 64.127.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: February 15, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for Part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.203, at the end of paragraph (a)(1) remove ''custody; and'' and add the following:

§ 3.203 Service records as evidence of service and character of discharge.

(a) * * *

(1) * * * custody or, if the copy was submitted by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records, and who certifies that it is a true and exact copy of either an original document or of a copy issued by the service department or a public custodian of records; and''.

* * * * *

[FR Doc. 01–9642 Filed 4–17–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA160–4113a; FRL–6959–6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Merck and Company, Inc

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for Merck and Company, Inc.'s (Merck's) West Point facility located in Montgomery County, Pennsylvania. Merck's West Point facility is a major source of volatile organic compounds (VOC) and nitrogen oxides (NO_X). The intent of this action is to approve the Commonwealth's RACT determinations for VOC and NO_X at Merck's West Point facility located in Montgomery County. EPA is approving this SIP revision in accordance with the Clean Air Act.

DATES: This rule is effective on June 4, 2001 without further notice, unless EPA receives adverse written comment by May 18, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Makeba Morris, Chief, Permits and Technical Assessment Branch, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik A. Spain, 215.814.2299, at the EPA Region III address above, or by email at spain.melik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On July 2, 1997, the Commonwealth of Pennsylvania (the Commonwealth) submitted revisions to its SIP to establish RACT for several major sources of VOC and NO_X. In this rulemaking action, EPA is approving the Commonwealth's VOC and NO_X RACT determinations for Merck's West Point facility in Montgomery County. EPA will address the remainder of the Commonwealth's July 2, 1997 submittal in separate rulemaking actions. The Commonwealth's submittal for Merck consists of an operating permit (#46–0005) which imposes VOC and NO_X RACT requirements for this source. The operating permit was revised on June 23, 2000 to incorporate administrative amendments and was resubmitted to EPA on August 9, 2000. On February 1, 2001, the Commonwealth submitted a clarifying supplement to its August 9, 2000 submittal for Merck to indicate that its SIP revision request only pertains to the RACT-related provisions of Merck's operating permit. In accordance with Pennsylvania's SIP revision request, EPA is approving only the RACT-related requirements and

conditions contained in Merck's operating permit.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. Under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements, including RACT as specified in sections 182(b)(2) and 182(f), apply throughout the OTR. The entire Commonwealth of Pennsylvania is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

II. Summary of the SIP Revision

Merck's West Point plant is a biological and pharmaceutical, research and support facility located in Upper Gwynedd, Montgomery County, Pennsylvania. The facility generates its own power using a combination of oil or natural gas-fired boilers and a gas turbine. The facility's RACT-subject units also include a rotary kiln incinerator and a waste heat incinerator. These combustion sources account for the majority of the facility's NO_X emissions. Merck's operations include site engineering, graphic arts services, and pharmaceutical and biological manufacturing. Merck formulates aqueous and solvent-based pharmaceutical products, in addition to live and attenuated vaccines and sterile pharmaceutical products. These operations account for the majority of the facility's VOC emissions.

The Commonwealth has imposed requirements including the use of low NO_X burners on Merck's oil and natural gas fired boilers and a water injection system on its gas turbine to control NO_X emissions. As of December 31, 1996, Merck permanently shut down the rotary kiln incinerator, but the Commonwealth did establish NO_X RACT for the incinerator in its operating permit based upon the use of low NO_X burners and a target tray wet scrubber. The Commonwealth also imposed, among other conditions, the use of low NO_X burners as RACT for the waste heat incinerator.

The Commonwealth's RACT determinations for Merck's VOC emitting operations from pharmaceutical manufacturing include the use of tray area local ventilation systems and a catalytic oxidizer with a minimum 90% VOC destruction efficiency, as well as a condenser designed to control emissions from the drying process with a minimum 90% efficiency. The Commonwealth has imposed VOC RACT on Merck's biological manufacturing operations including the use of liquid nitrogen cooling coils and gasket-fitted access doors. The Commonwealth has imposed limitations on the VOC content of the inks, vanishes, coatings and adhesives of Merck's graphic arts operations as RACT.

The details of Merck's NO_X and VOC emitting operations and the Commonwealth's RACT determinations are found in Operating Permit No. OP–46–0005 issued by PADEP on January 13, 1997 and revised on June 23, 2000. That permit is included in the docket for this rulemaking and copies may be obtained from the EPA Regional Office listed in the **ADDRESSES** section of this document.

EPA has reviewed that RACT-related provisions of operating permit No. OP–46–0005 issued by the Commonwealth of Pennsylvania to Merck for its West Point facility and concurs with PADEP's RACT determinations to control NO_X and VOC from this facility.

III. Final Action

EPA is approving the Commonwealth's SIP revision submittal of July 2, 1997, as amended August 9, 2000 and the February 1, 2001 supplementary information clarifying the RACT-related provisions of operating permit, No. OP–46–0005. The operating permit (OP–46–0005) was issued to Merck and Company, Inc., by the Pennsylvania Department of Environmental Protection on January 13, 1997, and was revised on June 23, 2000. EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This direct final rule will be effective on June 4, 2001 without further notice unless we receive adverse comment by May 18, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by

section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for one named source.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Pennsylvania's source-specific RACT requirements to control VOCs and NO_X from Merck and Company Inc.'s West Point facility in Montgomery County may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone.

Dated: March 19, 2001.

William C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(154) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(154) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_X RACT for Merck and Company Inc.'s West Point facility, submitted by the Pennsylvania Department of Environmental Protection on July 2, 1997, as amended August 9, 2000.

(i) Incorporation by reference.

(A) Letter submitted on July 2, 1997 by the Pennsylvania Department of Environmental Protection transmitting VOC and NO_X RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.'s West Point facility located in Montgomery County Pennsylvania.

(B) Letter submitted on August 9, 2000 by the Pennsylvania Department of Environmental Protection transmitting VOC and NO_X RACT determinations in the form of an operating permit (OP–46–0005) for Merck and Company Inc.'s West Point facility located in Montgomery County Pennsylvania.

(C) Letter submitted on February 1, 2001 by the Pennsylvania Department of Environmental Protection providing supplementary clarifying information regarding Merck's operating permit (OP–46–0005), in which Pennsylvania specified the portions of the permit, as listed in paragraph (c)(154)(i)(D) of this section, which it did not wish to have incorporated into the Pennsylvania State Implementation Plan.

(D) Operating Permit for Merck and Company, Incorporated (OP 46–0005) issued on January 13, 1997, as revised and effective on June 23, 2000, except for the expiration date and the requirements of Conditions 5. C., 5. D.1., 5.F.2., 5.F.3., 5.F.4., 5.F.5., 6.C., 6.D.3., 7.C., 7.D.2., 8.B., 8.D., 9.B., 10.B., 10.F., 11.A., 11.C., 12.B., 12.C., 13.A., 13.B., 13.C., the annual NO_X limits in 13.D., 14.A.1., 14.A.2., 14.A.3., 14.B., the words ''opacity and'' in 14.C., 14.D.1., 14.D.2., 15.A.1., 15.B., 15.C.1.i., 15.C.1.ii., 15.C.2., 15.D.1., 15.D.2., 15.D.3. 15.D.4., 15.E., 15.F., 16., 17.B., 17.D., 17.F.1., 17.F.2., the ''2.4 tons per year as a 12-month rolling sum calculated monthly'' portion of condition 17.F.4., 18.A.2., 18.B., 19., 20., 21.B., 21.C., 22., 23., 24., 25., 26., 27., and Appendix A.

(ii) Additional Material.

(A) Remainder of the July 2, 1997 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

(B) Remainder of the August 9, 2000 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

(C) Remainder of the February 1, 2001 submittal pertaining to Merck and Company, Inc.'s West Point facility located in Montgomery County.

[FR Doc. 01–9480 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301118; FRL–6778–6]

RIN 2070–AB78

Metolachlor; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for combined residues of the herbicide metolachlor and its metabolites determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on tomatoes at 0.1 part per million (ppm), tomato puree at 0.3 ppm, and tomato paste at 0.6 ppm for an additional 15-month period. These tolerances will expire and are revoked on June 30, 2002. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on tomatoes. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide

chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: This regulation is effective April 18, 2001. Objections and requests for hearings, identified by docket control number OPP–301118, must be received by EPA on or before June 18, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301118 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Andrew Ertman, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9367; and e-mail address: ertman.andrew@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180._00.html, a beta site currently under development.

2. *In person.* The Agency has established an official recordfor this action under docket control number OPP–301118. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of March 10, 1999 (64 FR 11782) (FRL–6062–5), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established time-limited tolerances for the combined residues of metolachlor and its metabolites determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on tomatoes at 0.1 part per million (ppm), tomato puree at 0.3 ppm, and tomato paste at 0.6 ppm, with an expiration date of April 1, 2001. EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of metolachlor on tomatoes for this year's growing season due to continuation of the emergency situation with weeds infesting tomato fields and the lack of a registered alternative to control them. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of metolachlor on tomatoes for control of weeds in Ohio, Pennsylvania, Michigan, Maryland, California, and Virginia.

EPA assessed the potential risks presented by residues of metolachlor in or on tomatoes. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of March 10, 1999 (FRL–6062–5). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are extended for an additional 15-month period. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on June 30, 2002, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on tomatoes, tomato puree, and/or tomato paste after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerances. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information

on this pesticide indicate that the residues are not safe.

III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301118 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 18, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301118, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule establishes time-limited tolerances under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action

will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

V. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.368 [Amended]

2. In § 180.368, amend the table in paragraph (b) by revising the date under the heading ''Expiration/revocation date'' for ''tomato paste,'' ''tomato puree,'' and ''tomatoes'' to read ''6/30/02.''

[FR Doc. 01–9365 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301115; FRL–6778–1]

RIN 2070–AB78

Propiconazole; Time-Limited Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole, and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound in or on corn, peanuts and pineapples. Syngenta Crop Protection, Inc., formerly known as Novartis Crop Protection, Inc., requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire on March 30, 2004.

DATES: This regulation is effective April 18, 2001. Objections and requests for hearings, identified by docket control number OPP–301115, must be received by EPA on or before June 18, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301115 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mary L. Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9354; and e-mail address: *waller.mary@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person

listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr—00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301115. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 6, 2000 (65 FR 235) (FRL–6537–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (8F3654 and 8F3674) for tolerances by Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. This notice included a summary of the petition prepared by Syngenta Crop Protection, Inc., the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.434 be amended by establishing tolerances for combined residues of the fungicide propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent, in or on corn, field, stover at 12 parts per million (ppm); corn, field, forage at 12 ppm; corn, field, grain at 0.1 ppm; corn, sweet, kernel plus cob with husks removed at 0.1 ppm; pineapple at 0.1 ppm; pineapple, fodder at 0.1 ppm (8F3674); peanut at 0.2 ppm; and peanut, hay at 20 ppm (8F3654). These proposed tolerances will expire on March 30, 2004 and will replace previously established tolerances which expired on December 31, 2000.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for combined residues of propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound on corn, field, stover at 12 parts per million (ppm); corn, field, forage at 12 ppm; corn, field, grain at 0.1 ppm; corn, sweet, kernel plus cob with husks removed at 0.1 ppm; pineapple at 0.1 ppm; pineapple, fodder at 0.1 ppm; peanut at 0.2 ppm; and peanut, hay at 20 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by propiconazole are discussed in the following section.

1. Acute toxicity data were as follows: acute oral LD_{50} = 1,517 mg/kg (toxicity category III); acute dermal LD_{50} > 4,000 mg/kg (toxicity category III); acute inhalation LC_{50} 1.26 mg/L; primary eye irritation - clear by 72 hours (toxicity category III); primary skin irritation - slight irritation (toxicity category IV); and dermal sensitization - negative.

2. A developmental toxicity study with rats which were gavaged with doses of 0, 30, 90 or 360/300 mg/kg/day. The developmental no observed adverse effects level (NOAEL) was 30 mg/kg/day. Evidence of developmental toxicity observed at 90 mg/kg/day, the lowest observed adverse effect level (LOAEL) included increased incidence of unossified sternebrae, rudimentary ribs, and shortened or absent renal papillae. The maternal NOAEL was 30 mg/kg/day and the maternal LOAEL was 90 mg/kg/day based on reduced body weight gain and occurrence of rales in 1/24 females.

3. A developmental toxicity study with rabbits which were gavaged with doses of 0, 30, 90, or 180 mg/kg/day with no evidence of maternal or developmental toxicity observed under the conditions of the study.

4. A developmental toxicity study with rabbits which were gavaged with doses of 0, 100, 250, or 400 mg/kg/day on gestation days 7 through 19 with no developmental toxicity observed under the conditions of the study. The maternal NOAEL was 100 mg/kg/day and the maternal LOAEL was 250 mg/kg/day based on decreased food consumption, weight gain, and an

increase in the number of resorptions at the higher dose levels. The developmental NOAEL was 400 mg/kg/day.

5. A two-generation reproduction study with rats fed diets containing 0, 1, 100, 500 or 2,500 ppm showed no reproductive effects under the conditions of the study. The developmental NOAEL was 500 ppm (equivalent to 25 mg/kg/day), and the developmental LOAEL was 2,500 ppm (equivalent to 125 mg/kg/day) based on decreased offspring survival, body weight depression, and increased incidence of hepatic lesions in rats. The parental NOAEL was 100 ppm (equivalent to 5 mg/kg/day) and the parental LOAEL was 500 ppm (equivalent to 25 mg/kg/day) based on increased incidence of hepatic cell change.

6. A 1–year feeding study with dogs fed diets containing 0, 5, 50, or 250 ppm with a NOAEL of 50 ppm (equivalent to 1.25 mg/kg/day). The LOAEL was 250 ppm (equivalent to 6.25 mg/kg/day based on mild irritation of stomach mucosa.

7. A 2–year chronic feeding/carcinogenicity study with rats fed diets containing 0, 100, 500, or 2,500 ppm with a systemic NOAEL of 100 ppm (equivalent to 5 mg/kg/day) based on hepatocyte changes in males at the 500 ppm level and in both sexes at the 2,500 ppm level. There were no carcinogenic effects observed under the conditions of the study.

8. A 2–year chronic feeding/carcinogenicity study with mice fed diets containing 0, 100, 500, or 2,500 ppm with a systemic NOAEL of 100 ppm (equivalent to 15 mg/kg/day) based on decreased body weight, and increased liver lesions and liver weight in males. There was a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at the 2,500 ppm level (equivalent to 375 mg/kg/day).

9. A battery of mutagenicity studies to determine the potential of propiconazole to induce gene mutation, chromosomal aberrations, and other genotoxic effects were all negative.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for propiconazole is discussed below.

1. *Acute toxicity*. The acute RfD is 0.3 mg/kg/day based on the NOAEL of 30 mg/kg/day from a developmental toxicity study in rats and using an UF of 100.

2. *Short- and intermediate-term toxicity.* For short- and intermediate-term dermal margin of exposure (MOE) calculations, the developmental NOAEL of 30 mg/kg/day from a developmental toxicity study in rats was selected. For short- and intermediate-term inhalation MOE calculations, the NOAEL of 92.8 mg/kg/day (0.5 mg/L), the highest dose tested, from a 5-day inhalation toxicity study was selected. The level of concern is 100.

3. *Chronic toxicity*. EPA has established the RfD for propiconazole at 0.013 mg/kg/day. This RfD is based on a 1–year feeding study in dogs with a NOAEL of 1.25 mg/kg/day and an UF of 100. The LOAEL of 6.25 mg/kg/day was based on mild irritation of the gastric mucosa.

4. *Carcinogenicity*. Propiconazole has been classified as a Group C, ''possible human carcinogen,'' chemical. The RfD approach for quantification of human risk was used. Since the RfD approach used the same endpoint to assess chronic toxicity, the chronic risk assessment addresses both the cancer risk as well as chronic effects.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.434) for the combined residues of propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on a variety of raw agricultural commodities. Among these tolerances are stone fruits, various grain crops, grass, bananas, celery, mushrooms and pecans. Tolerances have also been established for meat, milk, poultry and eggs. Risk assessments were conducted by EPA to assess dietary exposures from propiconazole in food as follows:

i. *Acute exposure*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Risk Exposure System was used for calculating acute dietary exposure. This analysis evaluated the individual food consumption as reported by respondents in the USDA 1977–1978 Nationwide Food Consumption Survey (NFCS) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: The acute dietary (food only) risk assessment used the Theoretical Maximum Residue Contribution (TMRC). Percent Crop Treated (PCT) data and anticipated residue values were not used. This risk assessment used high-end exposure estimates and should be viewed as a conservative risk assessment which

overestimates the risk. The acute dietary exposure for the only population subgroup of concern, females 13 years and older, used 3.3% of the acute RfD of 0.3 mg/kg/day. The acute dietary risk (food only) does not exceed the Agency's level of concern.

ii. *Chronic exposure*. In conducting this chronic dietary risk assessment the Dietary Risk Exposure System was used. This analysis evaluated the individual food consumption as reported by respondents in the USDA 1977–1978 NFSC and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: Anticipated residues and percent crop treated data were used for various commodities.

The chronic dietary risk assessment used the RfD of 0.013 mg/kg/day. EPA used data from the USDA NFCS, and made partial refinements to the exposure assumptions. Tolerance level residues were used for corn, pineapples and peanuts. Anticipated residue levels were used for the following crops: pecans; bananas; plantains; barley; eggs; milk and milk-by-products; poultry, beef, goat, sheep, swine and by-products; rice, rye, wheat and by-products. Percent of crop treated estimates were made for corn (6%), pineapple (100%) and peanuts (1%). The existing propiconazole tolerances (published and pending, including tolerances for emergency exemptions) resulted in exposure estimates that are equivalent to the following percentages of the RfD: U.S. population (48 states), 7%; non-nursing infants less than 1 year old, 20%; children 1–6 years old, 13%; children 7–12 years old, 9%; all other subgroups, 6–9%. EPA generally has no concern for exposures below 100% of the chronic RfD (when the FQPA factor has been removed) because this RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Therefore, the chronic dietary risk (food only) does not exceed the Agency's level of concern.

iii. *Cancer*. A quantitative risk assessment using a cancer endpoint was not performed since the RfD approach was identical to the chronic assessement. The chronic risk assessment is adequately protective for cancer risk as well as other chronic effects.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information as follows: Percent crop treated data was used for the following crops: corn (6%), peanuts (1%), pecans (47%), fresh peaches (13%), barley (2%), rice (25%), rye and wheat (1%) and corn and peanut oil (1%). It was assumed that propiconazole was used on 100% of the pineapple crop.

The Agency believes that the three conditions previously discussed have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation.

2. *Dietary exposure from drinking water*. The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for propiconazole in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of propiconazole.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW (Screening concentration in ground water), which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporates an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water

exposure and risk as a %RfD or %PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to propiconazole they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the estimated environmental concentrations (EECs) of propiconazole for acute exposures are estimated to be .11 parts per billion (ppb) for surface water and .0014 ppb for ground water. The EECs for chronic exposures are estimated to be .09 ppb for surface water and .0014 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Propiconazole is currently registered for use on the following residential non-dietary site: preservative for wood. The risk assessment was conducted using the following residential exposure assumptions: This use does not present an acute or chronic exposure scenario, but may constitute a short- and/or intermediate-term dermal and inhalation exposure scenario for applicators. The Agency calculated short- and intermediate-term dermal and inhalation margins of exposure (MOEs) of 200 and 200,000 respectively for the wood preservative use of propiconazole. MOEs above 100 do not exceed the Agency's level of concern. For post application exposure, the Agency determined that propiconazole is volatile and not readily aerosolized. Therefore, post-application exposure from contact with treated wood is expected to be minimal and the Agency determined that a risk assessment for post-application exposure is not needed.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether propiconazole has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, propiconazole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that propiconazole has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. The pre- and post-natal toxicology database for propiconazole is complete with respect to current FQPA-relevant toxicological data requirements. Propiconazole is not developmentally toxic in the rabbit. There is evidence that propiconazole is developmentally toxic in the rat at doses that are toxic to the parents. In the developmental toxicity study in rats, the toxicity noted at the maternal LOAEL of 90 mg/kg/day consisted of rales and decreased weight gain on gestation days 6-8 whereas the toxicity noted at the developmental LOAEL of 90 mg/kg/day consisted of statistically significant increased incidences of unossified sternebrae, and nominally increased incidences of rudimentary ribs and shortened or absent renal papillae.

iii. *Conclusion*. There is a complete toxicity database for propiconazole and exposure data are complete or are estimated based on data that reasonably account for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. The FQPA factor is removed because, in cases, where fetotoxic effects occur at the maternally toxic dose levels, the effects generally are of less concern than those occurring at non-maternally toxic dose levels because of the influence of toxicity in the mothers on the fetal toxicity expressed. However, where the fetal effects are judged to be qualitatively more severe than the effects in the maternal animals, there may be greater sensitivity in the fetus and thus of greater concern. Here, the effects in the fetus (delayed development) were not judged to be more severe than the effects in the maternal animals (decreased weight gain).

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, EPA's Office of Pesticide Programs (OPP) concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable

data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to propiconazole will occupy 3.3% of the aPAD for females 13 years and older, the only population subgroup of concern. In addition, there is potential for acute dietary exposure to propiconazole in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to propiconazole from food will utilize 7% of the cPAD for the U.S. population, 20% of the cPAD for non-nursing infants < 1 year old and 13% of the cPAD for children 1–6 years old. Based the use pattern, chronic residential exposure to residues of propiconazole is not expected. In addition, there is potential for chronic dietary exposure to propiconazole in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 1:

TABLE 1.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO PROPICONAZOLE

Population subgroup	cPAD mg/kg/day	% cPAD (food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	.009	7	.09	.0014	420
Non-nursing infants < 1 year	.0026	20	.09	.0014	100
Children 1–6 years	.0017	13	.09	.0014	> 100

3. *Short- and/or intermediate-term risk*. Short- and/or intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Propiconazole is currently registered for use that could result in short- and intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short- and intermediate-term exposures for propiconazole.

Using the exposure assumptions described in this unit for short- and intermediate-term exposures, EPA has concluded that food and residential exposures aggregated result in an aggregate MOE of 200. This aggregate MOE does not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure of propiconazole in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short- and intermediate-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR SHORT- AND INTERMEDIATE-TERM EXPOSURE TO PROPICONAZOLE

Population subgroup	Aggregate MOE (food + residential)	Aggregate level of concern (LOC)	Surface water EEC (ppb)	Ground water EEC (ppb)	Short-term DWLOC (ppb)
Females 13 years and older	200	100	.09	.0014	4,500

5. *Aggregate cancer risk for U.S. population*. EPA classified propiconazole as a Group C, possible human carcinogen and determined that the RfD approach be used to estimate the carcinogenic risk to humans. Risk concerns for carcinogenicity due to long-term consumption of propiconazole residues are adequately addressed by the aggregate chronic exposure analysis using the chronic RfD.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to propiconazole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

International CODEX values are established for almond, animal products, bananas, barley, coffee, eggs, grapes, mango, meat, milk, oat, peanut-whole, peanut grains, pecans, rape, rye, stone fruit, sugar cane, sugar beets, sugar beet tops, and wheat. The U.S. residue definition includes both propiconazole and metabolites determined as 2,4-dichlorobenzoic acid (DCBA), and the CODEX definition is for propiconazole, per se, i.e. parent only. This difference results in unique tolerance expressions (0.1 ppm for peanuts) with the U.S. definition resulting in the higher tolerance levels (0.2 ppm for peanuts). EPA includes the metabolite in its assessment because it also raises hazard concerns.

C. Conditions

Soybeans may be planted as a double crop following a cereal crop which has been treated with propiconazole. Crops

intended for food, grazing, or any component of animal feed or bedding may not be rotated within 105 days of propiconazole application unless the crop appears on the product label.

V. Conclusion

Therefore, tolerances are established for combined residues of propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on corn, field, stover at 12 ppm; corn, field, forage at 12 ppm; corn, field, grain at 0.1 ppm; corn, sweet, kernel plus cob with husks removed at 0.1 ppm; pineapple at 0.1 ppm; pineapple, fodder at 0.1 ppm; peanut at 0.2 ppm; and peanut, hay at 20 ppm. These tolerances will expire on March 30, 2004 and will replace previously established tolerances which expired on December 31, 2000. These tolerances are time-limited because the Agency requested a modified carcinogenicity study in mice conducted at a mid-dose level to confirm or supplement findings in an Agency reviewed carcinogenicity study in mice conducted at low and high dose levels. Although the Agency has completed the review of the mid-dose level carcinogenicity study, the Agency has not yet reevaluated the data as a whole and the cancer classification.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301115 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 18, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301115, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the

Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.''" Policies that have federalism implications'' is defined in the Executive Order to include regulations that have" substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

For these same reasons, the Agency has determined that this rule does not have any tribal implications as described in Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Policies that have tribal implications is defined in the Executive Order to include regulations that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 2, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.434 is amended by revising the section heading, and in the table to paragraph (a) by removing the entries for corn, forage; and corn, grain; by adding an entry for corn, field, stover; corn, field, forage; corn, field, grain; and by revising the entries for corn, sweet, kernel plus cob with husks removed; peanuts; peanuts, hay; pineapple; and pineapple, fodder, to read as follows:

§ 180.434 Propiconazole; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million	Expiration Date
* * *	*	*
Corn, field, forage	12	3/30/04
Corn, field, grain ...	0.1	3/30/04
Corn, field, stover	12	3/30/04
Corn, sweet (kernel plus cob with husks removed)	0.1	3/30/04
* * *	*	*
Peanut	0.2	3/30/04
Peanut, hay	20	3/30/04
* * *	*	*
Pineapple	0.1	3/30/04
Pineapple, fodder ..	0.1	3/30/04
* * *	*	*

* * * * *

[FR Doc. 01–9366 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301116; FRL–6778–5]

RIN 2070–AB78

Flumioxazin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerances for residues of flumioxazin in or on soybean seed and peanuts. Valent U.S.A. Corporation requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective April 18, 2001. Objections and requests for hearings, identified by docket control number OPP–301116, must be received by EPA on or before June 18, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please

follow the detailed instructions for each method as provided in Unit VI.. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301116 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 305–6224; and e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically*.You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180._00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301116. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of February 14, 2001 (66 FR 10292) (FRL–6765–8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (PP 7F4841 and OF6171) for tolerances by Valent U.S.A. Corporation, 1333 North California, Boulevard, Suite 600, Walnut Creek, CA 94596–8025. This notice included a summary of the petition prepared by Valent U.S.A. Corporation, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2*H*-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1*H*-isoindole-1,3(2*H*)-dione, in or on soybean seed and peanuts at 0.01 part per million (ppm). Valent U.S.A. Corporation subsequently amended the petition to request tolerances in or on soybean seed and peanut nutmeat at 0.02 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerances for residues of flumioxazin on soybean seed and peanut nutmeat at 0.02 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by flumioxazin are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed

adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.— SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study type	Results
870.1000	Acute Oral - rat	LD_{50}>5,000 mg/kg (M and F); no clinical signs
870.1100	Acute Dermal - rat	LD_{50}>2,000 mg/kg; no clinical signs
870.1200	Acute Inhalation - rat	LC_{50} = 3.93 mg/L
870.2400	Primary Eye Irritation - rabbit	No corneal irritation; mild irritation of iris cleared by 24 hours; mild irritation of conjunctival cleared by 48 hours
870.2500	Primary Skin Irritation - rabbit	No erythema or edema
870.2600	Dermal sensitization - guinea pig	Not a dermal sensitizer
870.3100	90-Day oral toxicity - rat	NOAEL = mg/kg/day: 69.7 (M), 71.5 (F) LOAEL = mg/kg/day: 243.5 (M), 229.6 (F) based on a decrease in MCV both sexes; increase in platelets F only
870.3100	90-Day oral toxicity - rat	NOAEL = mg/kg/day: 65.0 (M), 72.9 (F) LOAEL = mg/kg/day: 196.7 (M), 218.4 (F) based on hematology changes
870.3150	90-Day capsule - dog	NOAEL = mg/kg/day: 10 (M and F) LOAEL = mg/kg/day: 100 (M and F) based on dose dependent increase in total cholesterol, phospholipid and alkaline phosphatase
870.3100	90-Day oral toxicity - mouse	NOAEL = mg/kg/day: 429 (M and F) LOAEL = mg/kg/day: 1429 (M and F) based on increased liver weight in males
870.3100	4-Week oral toxicity - mouse	NOAEL = mg/kg/day: 151.5 (M), 164.5 (F) LOAEL = mg/kg/day: 419.9 (M), 481.6 (F) based on increased absolute and/or relative liver weights in M and F
870.3200	21-Day dermal toxicity - rat	NOAEL = mg/kg/day: 1,000 (LIMIT DOSE) LOAEL = mg/kg/day: ≤1,000 based on no effects
870.3700a	Prenatal developmental - rat (oral)	Maternal NOAEL = 30 mg/kg/day (HDT) LOAEL = >30 mg/kg/day (HDT) Developmental NOAEL = 3 mg/kg/day LOAEL = 10 mg/kg/day based on cardiovascular effects (especially ventricular septal defects)
870.3700a	Prenatal developmental - rat (dermal)	Maternal NOAEL = 300 mg/kg/day (HDT) LOAEL = >300 mg/kg/day (HDT) Developmental NOAEL = 30 mg/kg/day LOAEL = 100 mg/kg/day based on cardiovascular effects (especially ventricular septal defects)
870.3700b	Prenatal developmental - rabbit (oral)	Maternal NOAEL = 1,000 mg/kg/day LOAEL = 3,000 mg/kg/day (HDT) based on decrease in body weight and food consumption during dosing Developmental NOAEL = 3000 mg/kg/day (HDT) LOAEL = >3,000 mg/kg/day
870.3800	Reproduction and fertility effects - rat	Parental/Systemic NOAEL = mg/kg/day: males = 12.7, females = 15.1 LOAEL = mg/kg/day: males = 18.9, females = 22.7 based on increase in clinical signs (red substance in vagina) and increased female mortality as well as decreased body weight, body weight gain and food consumption Reproductive NOAEL = mg/kg/day: males = 18.9 (HDT), females = 22.7 (HDT) LOAEL = mg/kg/day: males = >18.9 (HDT), females = >22.7 (HDT) Offspring NOAEL = mg/kg/day: males = 6.3, females = 7.6 LOAEL = mg/kg/day: males = 12.7, females = 15.1 based on a decrease in the number of liveborn and a decrease in pup body weight
870.4100	12-Month capsule - dog	NOAEL = 100 mg/kg/day (M and F) LOAEL = 1,000 mg/kg/day (M and F), (LIMIT DOSE) based on the following for males and females: increased absolute and relative liver weights; 300% increase in alkaline phosphatase values
870.4200	Carcinogenicity - mouse	NOAEL = mg/kg/day: males = 754.1, females = 859.1 (LIMIT DOSE) LOAEL = no systemic effects at LIMIT DOSE in males or females No evidence of carcinogenicity

TABLE 1.— SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study type	Results
870.4300	Combined chronic carcinogenicity - rat	NOAEL = mg/kg/day: males = 1.8, females = 2.2 LOAEL = mg/kg/day: males = 18.0, females = 21.8 based on increased chronic nephropathy in males and decreased hematological parameters in females (Hgb, MCV, MCH and MCHC) No evidence of carcinogenicity
870.5100	Gene mutation in *S. typhimurium* and *E. coli*	Neither cytotoxic nor mutagenic up to 2,000 μg/plate. There were reproducible increases in revertant colonies of *S. typhimurium* strains TA1538 and TA98 in S9 activated phases of the preliminary cytotoxicity and both mutation assays. Results considered to be equivocal.
870.5375	Gene mutation in chinese hamster ovary cells	Precipitation at ≥200 μM. Cytotoxicity at 500 μM. Positive +S9 ≥100 μM and negative at 30-500 μM -S9. Aberrations were chromatid breaks and exchanges.
870.5395	*In vivo* rat bone marrow	Negative in male (up to 5,000 mg/kg) and female rats (up to 4,400 mg/kg) when tested orally.
870.5550	UDS assay	Negative up to 5,000 mg/kg.
870.7485	Metabolism and pharmacokinetics - rat (oral)	Gastrointestinal tract absorption >90% at 1 mg/kg and up to 50% at 100 mg/kg. At least 97% recovery in feces and urine 7 days after dosing. Highest levels of residues (36-49 ppb) in blood cells at low dose and 2800-3000 ppg at high dose (RBC levels > plasma). In addition to untransformed parent, 7 metabolites identified in urine and feces (38-46% for low dose and about 71% at high dose).
870.7600	Dermal penetration - rat	Males dosed with suspension of 50 WDG formulation in water at 0.02, 0.20 or 1.0 mg/rat (0.002, 0.020 or 0.100 cm^2. At 0.02 mg/rat, absorption ranged from 0.48% at 0.5 hours to 5.46% at 24 hours. At 0.2 mg/rat, absorption ranged from 0.007% at 0.5 hours to 0.74% at 24 hours. At 1.0 mg/rat, absorption ranged from 0.004% at 0.5 hours to 10.47% at 24 hours.
870.7600	Dermal penetration - rat	Females dosed with 200 or 800 mg/kg b.w. Dermal absorption for 200 and 800 mg/kg was 3.9 and 8.0% by 48 hours after initiation of treatment for 6 hours. Blood levels at 6-24 hours after dermal dosing with 200 mg/kg were similar to those obtained at 2-6 hours after oral dosing with 1 mg/kg. Blood levels at 6-24 hours after dermal dosing with 800 mg/kg were similar to those obtained at 2-6 hours after oral dosing with 30 mg/kg.
	Special Study - Rat Developmental: Critical Time for Defects	Pregnant females were administered 400 mg/kg by gavage on gestation day 11 or 12 or 13 or 14 or 15. Day 12 administration showed: largest incidence of embryonic death, lowest fetal body weights and greatest incidence of ventricular spetal defects.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10x to account for interspecies differences and 10x for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10x to account for interspecies differences and 10x for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for flumioxazin used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FLUMIOXAZIN FOR USE IN HUMAN RISK ASSESSMENT

Exposure scenario	Dose used in risk assessment, UF	FQPA SF* and level of concern for risk assessment	Study and toxicological effects
Acute Dietary Females 13-50	NOAEL = 3 mg/kg/day Acute RfD = 0.03 mg/kg/day	FQPA SF = 10 aPAD = acute RfD FQPA SF = 0.003 mg/kg/day	Oral developmental and supplemental prenatal studies in the rat LOAEL = 10 mg/kg/day based on cardiovascular effects (especially ventricular septal defects in fetuses)
Acute Dietary General Population	An endpoint attributable to a single dose (exposure) was not identified from the available studies, including the developmental toxicity studies in rats and rabbits.		
Chronic Dietary all populations	NOAEL = 2 mg/kg/day UF = 100 Chronic RfD = 0.02 mg/kg/day	FQPA SF = 10 cPAD = chronic RfD FQPA SF = 0.002 mg/kg/day	2-Year Chronic/Carcinogenicity Study in the rat LOAEL = 18 mg/kg/day based on increased chronic nephropathy in males and decreased hematological parameters in females (Hgb, MCV, MCH and MCHC)
Incidental Oral (short and intermediate term)	NOAEL = 65 mg/kg/day	Target MOE = 1,000 (Residential)	90-Day Toxicity Studies in the rat LOAEL = 196.7 mg/kg/day based on hematology changes (decrease in MCV and increase in female platelets)
Dermal (all durations)	NOAEL = 30 mg/kg/day	Target MOE = 1,000 (Residential)	Dermal Developmental Study in the rat LOAEL = 100 mg/kg/day based on cardiovascular effects (especially ventricular septal defects in fetuses)
Short-term Inhalation	NOAEL = 3 mg/kg/day	Target MOE = 1,000 (Residential)	Oral Developmental Study in the rat LOAEL = 10 mg/kg/day based on cardiovascular effects (especially ventricular septal defects in fetuses)
Intermediate- and Long-term Inhalation	NOAEL = 2 mg/kg/day	Target MOE = 1,000 (Residential)	2-Year Chronic/Carcinogenicity Study in the rat LOAEL = 18 mg/kg/day based on increased chronic nephropathy in males and decreased hematological parameters in females (Hgb, MCV, MCH and MCHC)
Cancer (oral, dermal, inhalation)	Not likely to be a carcinogen for humans based on the lack of carcinogenicity in a 2-year rat study, an 18-month mouse study and a battery of mutagenic studies.		

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* No previous tolerances have been established for the residues of flumioxazin. Risk assessments were conducted by EPA to assess dietary exposures from flumioxazin in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: For this acute analysis the assumption was made that 100% of the crops with flumioxazin tolerances are treated with flumioxazin. In addition, the assumption was made that all commodities contain tolerance level residues when consumed, with the exception of those with default processing factors. Default processing factors were used for peanuts-butter (1.89x) and for soybeans-sprouted seeds (0.33x). As the exposure and risk estimates were low, no further refinements were made to this analysis.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For this chronic analysis the assumption was made that 100% of the crops with flumioxazin tolerances are treated with flumioxazin. In addition, the assumption was made that all commodities contain tolerance level residues when consumed, with the exception of those with default processing factors. Default processing factors were used for peanuts-butter (1.89x) and for soybeans-sprouted seeds (0.33x). As the exposure and risk estimates were low, no further refinements were made to this analysis.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for flumioxazin in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of flumioxazin.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and Screening Concentrations in Ground

Water (SCI-GROW), which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to flumioxazin they are further discussed in the aggregate risk sections below.

The hydrolysis study for flumioxazin indicates that flumioxazin forms the metabolite 482-HA, which can further hydrolyze to metabolites APF and THPA. The rates of the two hydrolytic reactions are very pH dependent, but the parent is not very stable at any likely environmental pH. Additional data indicated that THPA and APF are likely to be very mobile. Although THPA can comprise a major portion of the total residue in water, it does not possess the phenyl ring and is thus considered significantly less toxic than parent, APF, and 482-HA, thus THPA needs not be included in the residue of concern for drinking water. Therefore, parent flumioxazin and the metabolites 482-HA and APF are the residues of concern in drinking water.

Based on the GENEEC and SCI-GROW models the estimated environmental concentrations (EECs) of flumioxazin and its metabolites of concern in water for acute exposures are estimated to be 2.4 parts per billion (ppb) for surface water and 6.3 ppb for ground water. The EECs for chronic exposures are estimated to be 0.67 ppb for surface water and 6.3 ppb for ground water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Flumioxazin is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether flumioxazin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, flumioxazin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that flumioxazin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* The data for flumioxazin indicate that there is both quantitative and qualitative evidence of increased susceptibility to flumioxazin from prenatal or postnatal exposures. Quantitative susceptibility is observed when the young respond more than the adults at a given dose, and qualitative susceptibility is observed when there is a unique biological target, such as the developing brain, that predisposes the individual.

The quantitative and qualitative evidence of increased susceptibility is observed with the rat fetuses to *in utero* exposure to flumioxazin in the oral and dermal developmental studies. In both studies, there was an increased incidence in fetal cardiovascular anomalies (especially ventricular septal defects). In the oral study, no maternal effects were seen at the highest dose tested (HDT) (30 milligrams/kilograms (mg/kg/day)); whereas, the effects in the fetuses were observed at 10 mg/kg/day. In the dermal study, no maternal effects were noted at the HDT (300 mg/kg/day); whereas, the effects in the fetuses were observed at 100 mg/kg/day. Regarding the 2-generation rat reproduction study, parental effects (red substance in vagina and increased mortality in females as well as decreases in male and female body weights, body weight gains, and food consumption) were noted at 18.9 mg/kg/day in males HDT and 22.7 mg/kg/day in females HDT. Based on the results of the study, no apparent reproduction effects were attributed to test article administration. The effects observed regarding the offspring were a decrease in both the number of liveborn and pup body weights at 12.7 mg/kg/day for males and 15.1 mg/kg/day for females. Therefore, it was considered that there was both a quantitative and qualitative increase in susceptibility.

3. *Conclusion.* There is a complete toxicity data base for flumioxazin and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. The FQPA safety factor (as required by the Food Quality Protection Act of August 3, 1996) has been retained at 10x for all population subgroups for all exposure durations (acute and chronic) in assessing the risk posed by this chemical. The reasons for retaining the 10x safety factor are as follows. First, there is evidence of increased susceptibility of the rat fetuses to *in utero* exposure to flumioxazin by the

oral and dermal route in the prenatal developmental toxicity studies in rats. In addition, there is evidence of increased susceptibility of young animals exposed to flumioxazin in the 2-generation reproduction toxicity study in rats. Finally, there is concern for the severity of the effects observed in fetuses and young animals when compared to those observed in the maternal and parental animals (dose- and treatment-related increase in the incidence of cardiovascular abnormalities, particularly ventricular septal defect, in the developmental studies; and decreases in the number of live born pups and pup body weights in the absence of parental toxicity in the reproduction study).

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. Using the exposure assumptions discussed in this unit for acute exposure to the subgroup of concern, the acute dietary exposure from food to flumioxazin will occupy 0.72% of the aPAD for females 13 years and older. In addition, there is potential for acute dietary exposure to flumioxazin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO FLUMIOXAZIN

Population subgroup	aPAD (mg/kg)	% aPAD (food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Acute DWLOC (ppb)
Females (13+ years)	0.003	0.72	2.4	6.3	90

2. *Chronic risk*. Using the exposure assumptions described inthis unit for chronic exposure, EPA has concluded that exposure to flumioxazin from food will utilize 0.5% of the cPAD for the U.S. population, 2.3% of the cPAD for all infants (< 1 year) and 1.2% of the cPAD for children (1-6 years). There are no residential uses for flumioxazin that result in chronic residential exposure to flumioxazin. In addition, there is potential for chronic dietary exposure to flumioxazin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO FLUMIOXAZIN

U.S population subgroup	cPAD mg/kg/day	% cPAD (food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.002	0.5	0.67	6.3	70
Infants (< 1 year)	0.002	2.3	0.67	6.3	20
Females (13+ years)	0.002	0.4	0.67	6.3	60
Males (13 - 19 years)	0.002	0.6	0.67	6.3	70

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Flumioxazin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure

plus chronic exposure to food and water (considered to be a background exposure level).

Flumioxazin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to flumioxazin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no Codex, Canadian or Mexican maximum residue limits established on soybeans or peanuts.

V. Conclusion

Therefore, the tolerances are is established for residues of flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2*H*-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1*H*-isoindole-1,3(2*H*)-dione, in or on soybean seed and peanuts at 0.02 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301116 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 18, 2001.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301116, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and

Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 7, 2001.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.568 is added to read as follows:

§ 180.568 Flumioxazin; tolerances for residues.

(a) *General.* Tolerances are established for residues of flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2*H*-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1*H*-isoindole-1,3(2*H*)-dione, in or on the following raw agricultural commodities:

Commodity	Parts per million
Peanuts	0.02
Soybean seed	0.02

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 01–9597 Filed 4–17–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301117; FRL–6778–8]

RIN 2070–AB78

Hexythiazox; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the ovicide/miticide hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in or on tree nuts (nutmeat), plums, fresh prunes, dried prunes, pistachios, peppermint (tops), spearmint (tops), and caneberries. Gowan Company and the Interregional Research Project No. 4 (IR-4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This regulation is effective April 18, 2001. Objections and requests for hearings, identified by docket control number OPP–301117, must be received by EPA on or before June 18, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301117 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: William G. Sproat, Jr., Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703)–308–8587; and e-mail address: sproat.william@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301117. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

Hexythiazox is the active ingredient in Savey Ovicide/Miticide 50 WP (EPA Reg. No. 10163–208). Permanent tolerances are established under 40 CFR 180.448(a) for residues of hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in/on apples at 0.50 parts per million (ppm), wet apple pommace at 0.80 ppm; hops at 2.0 ppm, and pears at 0.3 ppm; milk, fat, and meat by-products of cattle, goats, horses, sheep, and swine at 0.02 ppm; almonds at 0.30 ppm and almond hulls at 10 ppm; and strawberries at 3.0 ppm. Tolerances with regional registrations are established for cotton gin by-products (California only) at 3.0 ppm and undelinted cotton seed (California only) at 0.20 ppm.

In the **Federal Register** of July 31, 1996 (61 FR 39971) (FRL–5384–6); April 30, 1997 (62 FR 23455) (FRL–5600–8); January 28, 1998 (63 FR 4252) (FRL–5763–6); and December 28, 2000 (65 FR 82349) (FRL–6761–6), EPA issued notices pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as amended by the FQPA of 1996 (Public Law 104–170) announcing the filing of pesticide petitions for tolerances by Gowan Company, P.O. Box 5569, Yuma, AZ 85366–5569, and the Interregional Research Project Number 4 (IR-4), Technology Centre of New Jersey, 681 U.S. Highway #1 South, North Brunswick, NJ, 08902–3390. These notices included summaries of the petitions prepared by Gowan Company, the registrant. There were no comments received in response to the notice of filings.

The petition(s) requested that 40 CFR 180.448 be amended by establishing tolerances for residues of the insecticide

hexythiazox, in or on various food commodities as follows:

1. IR-4 petition 0E6198 proposes the establishment of tolerances for mint at 2.0 ppm.

2. IR-4 petition 0E6215 proposes the establishment of tolerances for the caneberry subgroup at 1.0 ppm.

3. Gowan Company petition PP 6F4738 proposes the establishment of tolerances for stone fruits including plums at 1 ppm; prunes at 5 ppm; and all tree nuts at 0.2 ppm.

The existing tolerance for almonds is being deleted since it is covered under the tree nut group tolerance.

Hexythiazox is currently proposed for use on mint to control Twospotted spider mites; stone fruits (including plums) to control European red mites, Twospotted spider mites, McDaniel spider mite, Strawberry spider mites, Pacific spider mites, Pecan leaf scorch mites, and Willamette mites; Tree nuts and pistachios to control European red mites, Twospotted spider mites, McDaniel spider mites, Strawberry spider mites, Pacific spider mites, Pecan leaf scorch mites, and Willamette mites; and on caneberries to control Twospotted spider mites, McDaniel spider mite, Yellow spider mite and Pacific spider mites.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of hexythiazox on tree nut group at 0.30 ppm; plums at 0.10 ppm; fresh prunes at 0.10 ppm; dried prunes at 0.40 ppm; pistachio at 0.30 ppm; peppermint (tops) at 2.0 ppm; spearmint (tops) at 2.0 ppm; and caneberry crop group subgroup at 1.0 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by hexythiazox are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study type	Results
870.3100	90–Day oral toxicity rodents	NOAEL = 8.1/5.4 milligram/kilogram/day (mg/kg/day) males/females LOAEL = 58.6/38.1 mg/kg/day, males/females, based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zona fasciculata
870.3700a	Prenatal developmental in rodents	Maternal NOAEL = 240 mg/kg/day LOAEL = 720 mg/kg/day based on decreased maternal body weight gain, and decreased food consumption Developmental NOAEL = 240 mg/kg/day LOAEL = 720 mg/kg/day based on delayed ossification
870.3700b	Prenatal developmental in nonrodents	Maternal NOAEL ≤1080 mg/kg/day LOAEL > 1,080 mg/kg/day Developmental NOAEL > 1.080 mg/kg/day LOAEL > 1,080 mg/kg/day
870.3800	Reproduction and fertility effects	Parental/Systemic NOAEL = 29.73/34.77 mg/kg/day, males/females LOAEL = 180.67/207.67 mg/kg/day, males/females, based on decreased body weight gain and increased absolute and relative liver, kidney, and adrenal weights Reproductive NOAEL > 180.67/207.67 mg/kg/day, males/females LOAEL > 180.67/207.67 mg/kg/day, males/females Offspring NOAEL = 29.73/34.77 mg/kg/day, males/females LOAEL = 180.67/207.67 mg/kg/day, males/females, based on decreased pup weight during lactation, and delayed hair growth and/or eye opening
870.4100b	Chronic toxicity dogs	NOAEL = 2.5 mg/kg/day LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study type	Results
870.4300	Chronic toxicity/ Carcinogenicity rats	NOAEL = 23/29 mg/kg/day, males/females LOAEL =163/207 mg/kg/day, males/females based on decreased body weight and body weight gain and increased absolute and relative liver weights in both sexes No evidence of carcinogenicity
870.4300	Carcinogenicity mice	NOAEL = 41.6/51.2 mg/kg/day, males/females LOAEL = 267/318 mg/kg/day, males/females based on decreased male body weight and body weight gain, and increased absolute and relative liver weights in both sexes. Evidence of carcinogenicity (causes liver tumors in females)
870.5100	Gene mutation	The test was negative up to the highest dose tested (HDT) (6,400 μg/plate +/-S9)
870.5300	Gene mutation	Independently performed trials were negative up to precipitating doses (≥60 μg/mL) and severely cytotoxic concentrations (200 μg/mL -S9; 400 μg/mL +S9)
870.5375	Cytogenetics	The test was negative up to precipitating doses accompanied by severe cytotoxicity (≥ 167 μg/mL +/-S9)
870.5395	Cytogenetics	The results were inconclusive because a positive response, which was within the wide range of historical background data, was recorded for female mice at the mid-and high-doses (500 and 1,000 mg/kg). The assay should be repeated to confirm or refute the equivocal results.
870.5550	Other effects	The test was negative up to a lethal dose (250 μg/mL)
870.7485	Metabolism and pharmacokinetics	Absorption and distribution of dosed radioactivity were rapid. The radioactive material was rapidly eliminated in the urine and feces; the majority of the radioactivity was eliminated within 24 hours. There were no observable differences in the total elimination of NA–73 between male and female rats. The major route of elimination in both the male and female rats was by fecal excretion. The major metabolite found, PT–1–8 (cis), accounted for 8–12% of the administered radioactivity in the low dose groups. Approximately 11–20% and 65–69% of the dosed radioactivity was identified as unchanged NA–73 in the low-dose and high-dose groups, respectively. All other metabolites were present at low concentrations (< 2%). There was no apparent sex difference in metabolite formation. Significant levels of NA–73 equivalent ^{14}C-residues were detected in the fat, liver, and adrenals. A sex-related difference in the residue levels of all tissues was observed, with residues in female tissues being two-fold higher than those found in male tissues.
870.7485	Metabolism and pharmacokinetics	Total recovery of radioactivity 72 hours after treatment accounted for 101.9–103% of the dose. The distribution of radioactivity 72 hours after dosing was as follows: (1) 30% (male and female) was excreted in the urine, (2) 60% (female) to 67% (male) was excreted in the feces, and (3) about 4% (male) to 10% (female) of the administered radioactivity remained in the tissues, with the highest concentration in the fat (2.3 ppm, males; 5.4 ppm, females). Significant sex differences existed for the pharmacokinetics of NA–73 in these rats, with females exhibiting slower elimination rats and higher tissue residues (about double) than males. NA–73 was metabolized to a large number of metabolites that were excreted both in the urine and feces. Seven metabolites were structurally identified in addition to the parent compound in both excreta of both sexes, with the major fecal metabolite, PT–1–8 (cis) accounting for 10% of the dosed radioactivity. The others were all minor metabolites accounting for less than 1.4%. About 20% of the dose was excreted as unchanged NA–73 (97% of which was in the feces). No significant sex difference was apparent with respect to metabolite formation.
870.7600	Dermal penetration	The total percent of dose absorbed averaged 2%, 1%, and 1.1% for cannulated rats (10–hour sacrifice) and 0.8%, 0.2%, and 0.2% for non-cannulated rats (1–hour sacrifice) at the low, medium, and high dose levels, respectively. The amount of radioactivity in the blood, carcass, urine and other organs totaled < 2% of the applied dose. The results of this study (2% dermal absorption) can be used for risk assessment purposes.

B. Toxicological Endpoints

The dose at which NOAEL from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences. Discuss any additional UF (other than the FQPA SF) used in the assessment.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q^*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q^* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q^* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below in which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer}= point of departure/exposures) is calculated. A summary of the toxicological endpoints for hexythiazox used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN RISK ASSESSMENT

Exposure scenario	Dose used in risk assessment, UF	FQPA SF* and level of concern for risk assessment	Study and toxicological effects
Acute dietary females 13–50 years of age	NOAEL = 240 mg/kg/day UF = 100 Acute RfD = 2.4 mg/kg/day	FQPA SF = 1X aPAD = acute RfD FQPA SF = 2.4 mg/kg/day	Developmental toxicity Study - Rat Developmental LOAEL = 720 mg/kg/day based on delayed ossification.
Acute dietary general population including infants and children	A dose and endpoint attributable to a single exposure were not identified from the available oral toxicity studies, including maternal toxicity in the developmental toxicity studies.		
Chronic dietary all populations	NOAEL= 2.5 mg/kg/day UF = 100 Chronic RfD = 0.025mg/kg/day	FQPA SF = 1X cPAD = chronic RfD FQPA SF = 0.025 mg/kg/day	One year toxicity feeding Study - Dog LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology.
Short-term dermal (1 to 7 days) (Occupational)	Oral maternal NOAEL= 240 mg/kg/day (dermal absorption rate = 2 %)	LOC for MOE = 100 (Occupational)	Developmental toxicity Study - Rat LOAEL = 720 mg/kg/day based on decreased maternal body weight gain during gestation days 7-17 and decreased food consumption on gestation days 9–12
Intermediate-term dermal (1 week -several months) (Occupational)	Oral NOAEL= 5.4 mg/kg/day (dermal absorption rate = 2%)	LOC for MOE = 100 (Occupational)	13–Week feeding Study - Rat LOAEL = 38.1 mg/kg/day based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zone fasciculata.
Short-term inhalation (1–7 days) (Occupational)	Oral NOAEL= 240 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational)	Developmental Toxicity Study - Rat LOAEL = 720 mg/kg/day based on decreased maternal body weight gain during gestation days 7–17 and decreased food consumption on gestation days 9–12.

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure scenario	Dose used in risk assessment, UF	FQPA SF* and level of concern for risk assessment	Study and toxicological effects
Intermediate-term inhalation (1 week - several months) (Occupational)	Oral NOAEL= 5.4 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational)	13-Week Feeding Study - Rat LOAEL = 38.1 mg/kg/day based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zone fasciculata.
Cancer (oral, dermal, inhalation)	Category C (possible human carcinogen)	Q1* =2.22 x 10^{-2}	Increases in incidence of malignant and combined benign/malignant liver tumors in mice.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.448) for the residues of hexythiazox, in or on a variety of raw agricultural commodities (RAC). Tolerances are established on plant commodities ranging from 0.02 ppm on apples to 3.0 ppm on strawberries. Hexythiazox is the common name for the active ingredient in Savey Ovicide/Miticide. When formulated as the product Savey 50 WP, the product is registered for agricultural use on outdoor terrestrial food crops. When sold under an alternate brand name, Hexygon, the product is also registered for commercial non-food use on ornamental and nursery stock. Savey 50 WP contains 50% hexythiazox by weight. For these petitions, Savey™ will be applied to caneberries, pistachios, tree nuts and stone fruits at a maximum of 0.188 pounds a.i./acre and to mint at a maximum of 0.156 pounds a.i./acre. Savey™ is formulated as a wettable powder (packaged in open bags or water soluble paks) and is applied once per season or crop. Savey provides control against tetranychid mite species by direct or indirect contact with treated plant surfaces. According to label specifications the use of this product may include alternation of active classes of insecticides on succeeding generations and targeting the most susceptible life stage. Risk assessments were conducted by EPA to assess dietary exposures from hexythiazox in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of 1–day or single exposure. The Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: For acute dietary risk assessments, the entire distribution of single day food consumption events is combined with a single residue level (deterministic analysis) to obtain a distribution of exposure in mg/kg.

A conservative analysis was performed using existing and EPA-recommended tolerance level residues, DEEM™ default processing factors, and 100% crop treated information for all commodities. For acute dietary risk, EPA's level of concern is < 100% aPAD. The acute dietary exposure estimate for the females 13–50 years old subgroup is presented in Table 3 at the 95th percentile. The results of the acute analysis indicate that the estimated acute dietary risk for females 13–50 years old associated with the existing and EPA-recommended uses of hexythiazox is below EPA's level of concern.

TABLE 3.—ACUTE RESULT AT 95th PERCENTITLE FROM DEEM™ ANALYSIS

Subgroup	Exposure (mg/kg/day)	% aPAD
Females 13–50 years old	0.002619	< 1

EPA notes that there is a degree of uncertainty in extrapolating exposures for certain population subgroups which may not be sufficiently represented in the consumption surveys, (e.g., nursing infants). Therefore, risks estimated for these subpopulations were included in representative populations having sufficient numbers of survey respondents (e.g., all infants or females, 13–50 years old). Thus, the population subgroups listed in Tables 5 and 6 include those subgroups having sufficient numbers of survey respondents in the CSFII food consumption survey to be considered statistically reliable.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM™ analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For chronic dietary risk assessments for residues in food, the 3–day average of consumption for each sub-population is combined with residues in commodities to determine average exposure in mg/kg/day. A partially refined chronic analysis was performed using anticipated residue (AR) levels, processing factors (where applicable), and percent crop treated (PCT) information. For chronic dietary risk, EPA's level of concern is > 100% cPAD. Dietary exposure estimates for the U.S. population and other representative subgroups are presented in Table 4. The results of the chronic analysis indicate that the estimated chronic dietary risk associated with the existing and EPA-recommended uses of hexythiazox is below EPA's level of concern for the U.S. population and all population subgroups.

TABLE 4.—SUMMARY OF RESULTS FROM CHRONIC DEEM™ ANALYSIS

Subgroups	Exposure (mg/kg/day)	% cPAD
U.S. population	0.000011	< 1
All infants (< 1 year old)	0.000034	< 1

TABLE 4.—SUMMARY OF RESULTS FROM CHRONIC DEEM™ ANALYSIS—Continued

Subgroups	Exposure (mg/kg/day)	% cPAD
Children (1–6 years old)	0.000029	< 1
Children (7–12 years old)	0.000016	< 1
Females (13–50 years old)	0.000008	< 1
Males (13–19 years old)	0.000004	< 1
Males (20+ years old)	0.000008	< 1

TABLE 4.—SUMMARY OF RESULTS FROM CHRONIC DEEM™ ANALYSIS—Continued

Subgroups	Exposure (mg/kg/day)	% cPAD
Seniors (55+ years old)	0.000010	< 1

iii. *Cancer.* A partially refined carcinogenic risk estimate analysis was performed using AR levels, processing factors (where applicable), and PCT information. The dietary exposure estimate from residues in food for the U.S. population is presented in Table 5. The result of the carcinogenicity analysis indicates that the estimated dietary risk from residues in food associated with the existing recommended uses is below the level the Agency generally considers negligible for excess lifetime cancer risk (the range of 10^{-6}).

TABLE 5.—SUMMARY OF RESULTS FROM CARCINOGENIC DEEM™ ANALYSIS

Subgroup	Exposure (mg/kg/day)	Lifetime Risk
U.S. population	0.000011	2.54×10^{-7}

For the chronic and cancer analyses, ARs from field trial data, the weighted average of PCT Quantitative Usage Analyses (QUA), and processing factors (where applicable) were used (see Table 6). DEEM processing factors were used unless otherwise noted in Table 6.

TABLE 6.—SUMMARY OF HEXYTHIAZOX ARS FOR CHRONIC AND CANCER DIETARY RISK ASSESSMENT BASED ON FIELD-TRIAL DATA

Commodity[a]	Established or recommended tolerances (ppm)	Processing factor [b]	AR (ppm)	CT/anticipated market share (%)[c]
Almond hulls	10	NA	2.7	2
Almond nutmeat	0.30	NA	0.046	2
Apples	0.50	NA	0.12	4
Apple juice	0.50	0.5x	0.12	4
Apricots	1.0	NA	0.20	2
Caneberry crop subgroup	1.0	NA	0.34	15
Cherries	1.0	NA	0.20	<1
Cottonseed meal	0.20	0.01x	0.059	1
Dates	0.10	NA	0.10	45
Fat[d]	0.02	NA	0.0000076	
Hog fat	0.02	NA	6.3×10^{10}[e]	
Hog liver	0.02	NA	4.8×10^{9}[e]	
Hog meat by-products (except liver)	0.02	NA	2.0×10^{9}[e]	
Hops	2.0	NA	2.0	45
Liver[d]	0.02	NA	0.000058	
Meat by-products (except liver)[d]	0.02	NA	0.000024	
Milk	0.02	NA	0.000 0053	
Nectarines	1.0	NA	0.054	2
Other nutmeat	0.30	NA	0.046	<1

TABLE 6.—SUMMARY OF HEXYTHIAZOX ARS FOR CHRONIC AND CANCER DIETARY RISK ASSESSMENT BASED ON FIELD-TRIAL DATA—Continued

Commodity[a]	Established or recommended tolerances (ppm)	Processing factor [b]	AR (ppm)	CT/anticipated market share (%)[c]
Peaches	1.0	NA	0.14	1
Pears	0.30	NA	0.30	3
Pecans	0.30	NA	0.01	<1
Peppermint, tops	2.0	0.23x	0.77	5
Plum	0.10	NA	0.050	<1
Plum, prune, dried	0.40	4.9 x	0.050	<1
Plum, prune, fresh	0.10	NA	0.050	<1
Refined cottonseed oil	0.20	0.13x	0.059	1
Spearmint, tops	2.0	0.23x	0.77	5
Strawberries	3.0	NA	0.75	14
Undelinted cottonseed	0.20	NA	0.059	1
Wet apple pomace	0.80	2.4 x	0.12	4

[a] ARs were not calculated for commodities not included in the current petitions.
[b] DEEM™ default value used unless otherwise stated; DEEM™ default ratio kept constant for ''apple-juice/cider'' and ''apple-juice-concentrate''.
[c] Electronic correspondence.
[d] These ARs were used for fat and meat byproducts of cattle, goats, horses, and sheep in the chronic and cancer analyses.
[e] These ARs were rounded up to 0.000001 ppm because DEEM™ cannot accommodate more than 6 place holders.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used PCT information specified above. The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which hexythiazox may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for hexythiazox in drinking water. Because the Agency does not have comprehensive monitoring data,

drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of hexythiazox.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/ EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to hexythiazox they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the EECs of hexythiazox for acute exposures are estimated to be 1.81 parts per billion (ppb) for surface water and 0.009 ppb for ground water. The EECs for chronic exposures are estimated to be 0.91 ppb for surface water and 0.009 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Hexythiazox is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether hexythiazox has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, hexythiazox does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that hexythiazox has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using an UF (safety) in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. The prenatal and postnatal toxicology data base for hexythiazox is complete with respect to FQPA considerations. The results of these studies indicated no increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to hexythiazox. In the developmental toxicity study in rabbits, no developmental effects were seen at doses up to the limit dose. In the developmental toxicity study in rats, the developmental effects (delayed ossification) occurred at the same dose level (720 mg/kg/day) as the maternal effects (decreased maternal body weight gain and decreased food consumption). In the two generation reproduction study, the effects in the offspring (decreased pup body weight during lactation and delayed hair growth and/ or eye opening) were observed only at treatment levels which resulted in evidence of parental toxicity (decreased body weight gain and increased absolute and relative liver, kidney, and adrenal weights).

A developmental neurotoxicity (DNT) study is not required at this time. However, EPA has requested an evaluation to determine the relationship between the adrenal effects (increased adrenal weights and/or adrenal pathology) seen in four studies (90–day feeding study in rats, chronic/ carcinogenicity rat, chronic dog, and 2-generation reproduction study in rats) and the need for a DNT. It appears that the effects are more endocrine-related (not developmental). The possibility of the effects being endocrine-related is also supported by reports of ovarian weight increases in several studies in rats. In addition, the results of the developmental toxicity studies in rats and rabbits and the 2-generation reproduction study do not support a DNT. No neuropathology or central nervous system (CNS) malformations were seen in the developmental toxicity studies. In the 2-generation reproduction study in rats, there were no findings in pups that were suggestive of changes in neurological development, although no functional assessment was performed. Additionally, there was no evidence of neurotoxicity in other studies.

2. *Conclusion*. There is a complete toxicity data base for hexythiazox and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed and reduced to 1X. The FQPA factor is removed because an additional safety factor is not needed to protect the safety of infants and children.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by EPA to calculate DWLOCs: 2L/70 killogram (kg) (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. Acute aggregate risk estimates are below EPA's level of concern. An acute conservative dietary exposure analysis for hexythiazox was performed using tolerance level residues, DEEM™ default processing factors, and assuming 100% CT for all commodities. The acute analysis applied to females 13–50 years old. The acute dietary exposure estimates (food only) for this population subgroup was <1% of the aPAD. Thus, the acute dietary risk associated with the proposed uses of hexythiazox does not exceed EPA's level of concern (>100% aPAD). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the acute scenario, the DWLOCs are 72,000 ppb for females 13–50 years old. For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to acute aggregate exposure (Table 7). Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the acute aggregate human health risk at the present time, as shown in Table 7:

TABLE 7.—DRINKING WATER LEVELS OF COMPARISON FOR ACUTE AGGREGATED EXPOSURES

Scenario/population subgroup	aPAD, mg/kg/day	Dietary exposure, mg/kg/day	Allowable drinking water exposure[1], mg/kg/day	DWLOC, ppb	Surface water, ppb	Ground water, ppb
Females (13–50 years old)	2.4	0.002619	2.4	72,000	1.8	0.009

[1]Allowable Drinking Water Exposure (mg/kg/day) = aPAD (mg/kg/day) - Dietary Exposure from DEEM (mg/kg/day)

2. **Chronic risk**. Chronic (non-cancer) aggregate risk estimates are below EPA's level of concern. A partially refined, chronic dietary exposure analysis for residues in food was performed using AR levels for most crops, processing factors where applicable and PCT or anticipated market share information for all crops. The chronic analysis applied to the U.S. population and all population subgroups. The chronic (non-cancer) dietary exposure estimates (food only) for the general U.S. population and all population subgroups were < 1% of the cPAD. Thus, the chronic (non-cancer) dietary risk associated with the proposed uses of hexythiazox does not exceed EPA's level of concern (>100% cPAD). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the chronic (non-cancer) scenario, the DWLOCs are 870 ppb for the U.S. population, 870 ppb for females 13–50 years old, and 250 ppb for all infants (< 1 year old). For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to chronic (non-cancer) aggregate exposure (Table 8). Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the chronic (non-cancer) aggregate human health risk at the present time, as shown in the following Table 8:

TABLE 8.—DRINKING WATER LEVELS OF COMPARISON FOR CHRONIC (NON-CANCER) AGGREGATE EXPOSURES

Scenario/population subgroup	cPAD, mg/kg/day	Dietary exposure, mg/kg/day	Allowable drinking water exposure,[1] mg/kg/day	DWLOC, ppb	Surface water EEC, ppb	Ground water EEC, ppb
U.S. population	0.025	0.000011	0.025	870	0.910	0.009
All infants (< 1 year old)	0.025	0.000034	0.025	250	0.910	0.009
Children (1–6 years old)	0.025	0.000029	0.025	250	0.910	0.009

TABLE 8.—DRINKING WATER LEVELS OF COMPARISON FOR CHRONIC (NON-CANCER) AGGREGATE EXPOSURES—Continued

Scenario/population subgroup	cPAD, mg/kg/day	Dietary exposure, mg/kg/day	Allowable drinking water exposure,[1] mg/kg/day	DWLOC, ppb	Surface water EEC, ppb	Ground water EEC, ppb
Children (7–12 years old)	0.025	0.000016	0.025	250	0.910	0.009
Females (13–50 years old)	0.025	0.000008	0.025	870	0.910	0.009
Males (13–19 years old)	0.025	0.000004	0.025	870	0.910	0.009
Males (20+ years old)	0.025	0.000008	0.025	870	0.910	0.009
Seniors (55+ years old)	0.025	0.000010	0.025	870	0.910	0.009

[1] Allowable Drinking Water Exposure (mg/kg/day) = cPAD (mg/kg/day) - Chronic Dietary Exposure from DEEM (mg/kg/day).

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Hexythiazox is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water considered to be a background exposure level. Hexythiazox is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population*. Chronic (cancer) aggregate risk estimates are below EPA's level of concern. A partially refined analysis was performed using AR levels for most crops, processing factors where applicable, and PCT or anticipated market share information for all crops. The chronic cancer analysis applied to the U.S. population. The carcinogenic risk estimate (food only) for the general U.S. population was 2.5×10^{-7}. Thus, the estimated dietary cancer risk to the U.S. population associated with the existing and recommended uses is below the level the Agency generally considers negligible for excess lifetime cancer risk (in the range of 10^{-7}). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the carcinogenic risk scenario, the DWLOCs are 1.2 ppb for the U.S. population. For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to carcinogenic aggregate exposure (Table 9). Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the carcinogenic aggregate human health risk at the present time.

TABLE 9.—DRINKING WATER LEVELS OF COMPARISON FOR CHRONIC (CANCER) AGGREGATE EXPOSURES

Scenario/population subgroup	Q_{1*}	Dietary exposure, mg/kg/day	Allowable drinking water exposure[1], mg/kg/day	DWLOC, ppb[2]	Surface water EEC, ppb	Ground water EEC, ppb
U.S. population	$2.2\ 2 \times 10^{-2}$	0.000011	0.000034	1.2	0.91	0.009

[1]Allowable Drinking Water Exposure (mg/kg/day)= negligible risk(1×10^{-6})/Q_{1*} - (average food + residential exposure (ADD) (mg/kg/day)
[2]DWLOC cancer= chronic water exposure (mg/kg/day) x body weight (kg)/water consumption (L) x 10^{-3}(mg/µg)

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to hexythiazox residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

1. *Plants.* Metabolism studies have been submitted and reviewed in conjunction with petitions for hexythiazox tolerances in/on apples, pears, grapes and citrus. The residues of concern in these crops are hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety as specified in 40 CFR 180.448.

No further plant metabolism data are necessary to support the proposed uses on caneberries, mint, tree nuts, pistachios, and stone fruit. However, as metabolism data are only available for fruit, the nature of the residue is not understood in mint. Given the limited metabolism of hexythiazox observed in apple, pear, grape and citrus leaves and that mint is a minor use (with minimal dietary exposure), EPA concludes that the nature of the residue is understood in mint for the purposes of this petition only.

2. *Livestock.* The Agency has previously concluded that the nature of the residues of hexythiazox in cattle and goats is adequately understood. The residues of concern in ruminants are hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety.

As there are no poultry feed items currently associated with caneberries, mint, tree nuts, pistachios, or stone

fruit, issues pertaining to the nature of the residue in poultry are not germane to these petitions.

B. Analytical Enforcement Methodology

The HPLC/UV analytical methods used for determining the combined residues of hexythiazox and its metabolites in caneberries, mint, tree nuts, pistachios, and stone fruit are adequate for data collection purposes. Adequate method validation data were submitted. These methods are based on Method AMR-985–87, which has been deemed acceptable as a tolerance enforcement method in conjunction with a petition for use on apples. The method has been validated for use on various crop commodities, and has been forwarded to the Food and Drug Administration (FDA) for inclusion in PAM II. This earlier method is considered sufficient to enforce the proposed permanent tolerances for residues in/on caneberries, mint, tree nuts, pistachios, and stone fruit. The PAM-II analytical enforcement method for residues of hexythiazox and its metabolites (AMR-985–87) is available to measure residues in meat, milk, poultry and eggs.

The petitioner has submitted data describing the testing of hexythiazox through FDA Multiresidue Protocols C through E. This information has been forwarded to the FDA for inclusion in PAM I . In addition, hexythiazox and its metabolites have been tested according to the FDA Multiresidue Protocols C through E by BASF Corporation in conjunction with a petition for use on hops. The information pertaining to the testing of hexythiazox per se, which indicated that hexythiazox was not recovered from hops, has been forwarded to the FDA. Multiresidue method testing data for the major metabolites of hexythiazox were forwarded to FDA.

C. Magnitude of Residues

An adequate number of residue field trials reflecting the proposed use rules were submitted to EPA to demonstrate that tolerances for the tree nut group at 0.30 ppm; plums at 0.10 ppm; fresh prunes at 0.10 ppm; dried prunes at 0.40 ppm; pistachio at 0.30 ppm; peppermint (tops) at 2.0 ppm; spearmint (tops) at 2.0 ppm; and the caneberry group subgroup at 1.0 ppm will not be exceeded when hexythiazox products labeled for these uses are used as directed. For plums, EPA is requiring submission of additional crop field studies from three other plum growing areas of the United States as confirmatory data in support of the proposed tolerances. In addition, for mint, EPA is requiring submission of additional crop field studies from two other mint growing areas of the United States as confirmatory data in support of the proposed tolerances.

D. Rotational Crop Restrictions

As caneberries, mint, tree nuts, pistachios, and plums are perennial crops, confined and field rotational crop studies are not required to support the subject petitions.

E. International Residue Limits

The Codex Alimentarius Commission has established maximum residue limits (MRLs) for residues of hexythiazox per se in/on cherries and peaches at 1 mg/kg, and plums (including prunes) at 0.2 mg/kg; no codex MRLs are established for residues in/on caneberry and mint commodities. The Codex MRLs and U.S. tolerances are not compatible because the U.S. tolerance expression currently includes parent hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety. Neither Canadian nor Mexican MRLs have been established for residues of hexythiazox in the subject crops.

V. Conclusion

Therefore, tolerances are established for residues of the ovicide/miticide hexythiazox (trans-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in or on the tree nut group at 0.30 ppm; plums at 0.10 ppm; fresh prunes at 0.10 ppm; dried prunes at 0.40 ppm; pistachio at 0.30 ppm; peppermint (tops) at 2.0 ppm; spearmint (tops) at 2.0 ppm; and the caneberry crop subgroup at 1.0 ppm.

Conditional registration for use of hexythiazox on these crops are being proposed to allow development and review of a 21–day dermal toxicity study (OPPTS Guideline No. 870.3200) (data gap); an acceptable *in vivo* mouse micronucleus assay (OPPTS Guideline No. 870.5375); three additional plum residue field trials; and two additional mint residue field trials. The registrant has agreed to submit the 21–day dermal toxicity study and the *in vivo* mouse micronucleus assay in their letter dated September 15, 2000.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301117 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 18, 2001.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301117, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribe officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and

the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 9, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.448 is amended by revising the table in paragraph (a) to read as follows:

§ 180.448 Hexythiazox; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Almond, hulls	10
Apple	0.50
Apple, wet pomace	0.80
Caneberry crop subgroup	1.0
Cattle, fat	0.02
Cattle, mbyp	0.02
Fruit, stone, group (except plums	1.0
Goat, fat	0.02
Goat, mbyp	0.02
Hops	2.0
Horse, fat	0.02
Horse, mbyp	0.02
Milk	0.02
Nut, tree, group	0.30
Pear	0.30
Peppermint, tops	2.0
Pistachio	0.30
Plum	0.10
Plum, prune, dried	0.40
Plum, prune, fresh	0.10
Sheep, fat	0.02
Sheep, mbyp	0.02
Spearmint, tops	2.0
Strawberry	3.0
Swine, fat	0.02
Swine, mbyp	0.02

* * * * *

[FR Doc. 01–9596 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcast Services

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 70 to 79, revised as of October 1, 2000, § 73.3555 is corrected by revising paragraphs (e)(2)(i) and (e)(2)(ii) and the first sentence of Note 5 to read as follows:

§ 73.3555 Multiple ownership.

* * * * *

(e) * * *

(2) * * *

(i) *National audience reach* means the total number of television households in the Nielsen Designated Market Area (DMA) markets in which the relevant stations are located divided by the total national television households as measured by DMA data at the time of a grant, transfer, or assignment of a license. For purposes of making this calculation, UHF television stations shall be attributed with 50 percent of the television households in their DMA market.

(ii) No market shall be counted more than once in making this calculation.

* * * * *

Note 5: Paragraphs (a) through (d) of this section will not be applied to cases involving television stations that are ''satellite'' operations. * * *

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[FR Doc. 01–55514 Filed 4–17–01; 8:45 am]

BILLING CODE 1505–01–D

Proposed Rules

Federal Register
Vol. 66, No. 75
Wednesday, April 18, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 99–099–1]

RIN 0579–AB17

Importation of Unshu Oranges

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation of citrus fruit to allow, under certain conditions, Unshu oranges grown on Kyushu Island, Japan, to be imported into noncitrus-producing areas of the United States. We are also proposing to amend the regulations for importing Unshu oranges from Honshu Island, Japan, by requiring fumigation using methyl bromide prior to exportation and by allowing the fruit to be distributed to additional areas of the United States, including citrus-producing areas. In addition, we are proposing to remove the requirement for individually wrapping Unshu oranges imported from Japan or the Republic of Korea. These actions would relieve restrictions on the importation into and distribution within the United States of Unshu oranges without presenting a significant risk of introducing citrus canker or other diseases or pests of plants.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 18, 2001.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–099–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–099–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P. Gadh, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a disease which affects citrus, and is caused by the infectious bacterium *Xanthomonas campestris* pv. *citri* (Hasse) Dye. The strain of citrus canker that occurs in Japan infects the twigs, leaves, and fruit of a wide spectrum of *Citrus* species.

Currently, the regulations in 7 CFR 319.28 (referred to below as the regulations) prohibit the importation of citrus from Eastern and Southeastern Asia, Japan, Brazil, Paraguay, and other designated areas, with certain exceptions. One exception is for Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* also known as Satsuma) grown in citrus canker-free areas in Japan or on Cheju Island, Republic of Korea. After meeting certain growing, packing, and inspection requirements, Unshu oranges may be imported from these areas of Japan and Korea into any area of the United States except American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands. Also, under the regulations in 7 CFR 301.11, the Unshu oranges may not be moved interstate from any State into which they are imported into, or through any State, territory, or possession where importation is prohibited under § 319.28.

Unshu oranges eligible for importation into the United States are grown under a system of safeguards in citrus canker-free areas in Japan and Korea. Unshu oranges are known to be resistant to citrus canker, and the system of safeguards established in the regulations for Unshu oranges approximately 30 years ago has proven effective, as evidenced by the record of citrus canker-free imports.

In response to a request from the Japanese Government's Ministry of Agriculture, Forestry and Fisheries, we are considering allowing Unshu oranges from Honshu Island, Japan, to be imported into additional areas of the United States provided the oranges are first treated with a specified dosage of methyl bromide to ensure their freedom from plant pests. Currently, the only approved citrus-canker free export areas for Unshu oranges in Japan are on Honshu Island. In addition, also at Japan's request, we are considering allowing Unshu oranges to be imported from additional citrus-canker free export areas on Kyushu Island, Japan. These proposed changes to the regulations are discussed below in more detail.

Pest Risk Analysis

Upon receiving the request from the Government of Japan to change our regulations, the Animal and Plant Health Inspection Service completed a pest risk analysis entitled ''Importation of Japanese Unshu Orange Fruit into Citrus Producing States'' in March 1995.[1] The pest risk analysis evaluated the risk of importing Unshu oranges from Japan into the United States. The analysis evaluated the risks associated with 13 organisms that meet the definition of a quarantine pest as set forth by the United Nation's Food and Agriculture Organization. A quarantine pest is defined as ''a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.'' Two diseases (citrus canker and citrus greening disease) and 11 insects (3 mites, 3 mealybugs, 2 scale insects, 2 disease vectors, and citrus fruit fly) are present in Japan and are considered quarantine pests by the United States. However, in Japan, the

[1] For a copy of the pest risk analysis, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

islands of Shikoku, Honshu, and certain areas of Kyushu are free of the citrus fruit fly.

The pest risk analysis evaluated the climate and host interaction, host range, dispersal potential, economic impact, and environmental impact associated with these pests. The analysis confirmed that the established safeguards for Unshu oranges from Japan are effective. The estimated risk that Unshu oranges imported into commercial citrus-producing States of the United States would provide inoculum sufficient to infect suitable host material with citrus canker is nearly zero. The probable risk of establishment of the two disease vectors—one, a psyllid, carries the bacterium for citrus greening disease; the other, an aphid, carries citrus tristeza virus and other viruses—is only slightly higher than the risk of establishment of citrus canker. However, these disease vectors are not typically associated with imported fruit from Honshu Island (which, as noted above, is the location of the only currently approved citrus-canker free export areas for Unshu oranges from Japan), primarily because such fruit is subjected to surface treatment with chlorine solution and voluntary treatment with methyl bromide fumigation. While citrus greening disease, a disease of quarantine significance, is known to occur in Okinawa Prefecture, this area is geographically separated from the citrus export areas in Japan. In addition, measures are in place to prevent movement of the psyllid that carries citrus greening disease from Okinawa Prefecture.

The highest risk pests appear to be mealybugs, followed by mites and armored scale insects. The recommendation for phytosanitary measures to minimize the risk from these pests, as well as to address the risk presented by the disease vectors identified in the pest risk analysis, is fumigation with methyl bromide. Currently, producers on Honshu Island voluntarily fumigate their fruit with methyl bromide to control those pests. However, because our proposal, if adopted, would allow Unshu oranges from Honshu Island to be distributed in commercial citrus-producing States, we are also setting forth a mandatory requirement for postharvest treatment of fruit from Honshu Island with methyl bromide in accordance with APHIS' fumigation standards as an additional safeguarding measure. Mandatory treatment is necessary because the mealybugs, mites, and scale insects identified in the risk analysis are much more likely to become established in climates where citrus is grown than in climates where citrus is not grown. In noncitrus-producing areas, these pests, if introduced, would likely not survive due to the effects of climate and a lack of host material.

Allow Importation of Unshu Oranges From Kyushu Island, Japan

As a result of our pest risk analysis, we are proposing to amend the regulations to allow the importation and interstate movement, under restrictions, of Unshu oranges grown in citrus-canker free areas on Kyushu Island, Japan.

The growing areas that we are proposing to add are located in the following four prefectures on Kyushu Island: Fukuoka, Kumanmoto, Nagasaki, and Saga. The citrus fruit fly (*Bactrocera tsuneonis* Miyake) is the only additional quarantine pest found on Kyushu Island that is not found in the currently certified growing areas on Honshu Island. However, the citrus fruit fly is known to occur only in prefectures of Kyushu Island that are east of the central mountains of the island. Fukuoka, Kumanmoto, Nagasaki, and Saga are west of the central mountain range. Trapping data and fruit cutting data show that citrus fruit fly has not been detected in these four prefectures for a number of years and is therefore not likely to occur there.

Nevertheless, as a further mitigatory measure, we propose to limit the entry and distribution of Unshu oranges from these new growing areas to areas of the United States that are not commercial citrus-producing areas. In addition to the current safeguards specified in the regulations, we would require trapping for the citrus fruit fly in Unshu orange export areas and buffer zones on Kyushu Island, Japan. We would prescribe the requirements for the trapping in coordination with the Japanese Government's Ministry of Agriculture, Forestry and Fisheries. In the event that fruit flies are detected, shipping would be suspended from the export area until negative trapping showed that the problem had been resolved.

We are not proposing that Unshu oranges from Kyushu Island be subjected to mandatory postharvest treatment with methyl bromide as we are for Unshu oranges from Honshu Island. We do not believe fumigation is necessary or justified in this situation because Unshu oranges from Kyushu Island will not be distributed in citrus-producing States (where the climate and available host material could support the establishment of mealybugs, mites, and armored scale insects).

To qualify for importation into the United States, Unshu oranges from Kyushu Island, Japan, would have to meet the following requirements:

1. They must be grown in and packed in isolated, canker-free export areas established by the Ministry of Agriculture, Forestry and Fisheries, and where only Unshu orange trees are grown. These areas must be kept free of all citrus other than the propagative material of Unshu oranges. The isolated, canker-free areas must, in turn, be surrounded by a 400-meter wide, disease-free buffer zone in which only certain varieties of citrus may be grown. Besides Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* Swingle [*C. unshiu* Marcovitch, Tanaka]), these varieties are: Buntan Hirado (*Citrus grandis*); Buntan Vietnam (*C. grandis*); Hassaku (*C. hassaku*); Hyuganatsu (*C. tamurana*); Kinkan (*Fortunella* spp. non *Fortunella hindsii*); Kiyomi tangor (hybrid); Orange Hyuga (*C. tamurana*); Ponkan (*C. reticulata*); and Yuzu (*C. junos*).

2. Japanese and U.S. plant protection officials must jointly inspect the canker-free export areas and the buffer zones to ensure that these areas are free of citrus canker and prohibited plant material, and these officials must also jointly inspect Unshu oranges in the groves prior to and during harvest in the packinghouses during packing operations.

3. Before packing, the Unshu oranges must be given a U.S. Department of Agriculture (USDA) prescribed surface sterilization with a bleach and water solution.

4. The boxes in which the Unshu oranges are packed must include a stamped or printed statement specifying the States into which the Unshu oranges may be imported and from which they are prohibited removal under a Federal plant quarantine.

5. The Unshu oranges must also be accompanied by a certificate from the Japanese plant protection service certifying that the fruit is apparently free of citrus canker.

6. In Unshu orange export areas and buffer zones on Kyushu Island, trapping for the citrus fruit fly must be conducted as prescribed by the Japanese Government's Ministry of Agriculture, Forestry and Fisheries and USDA. If fruit flies are detected, then shipping will be suspended from the export area until negative trapping shows the problem has been resolved.

7. Unshu oranges from the prefectures of Fukuoka, Kumanmoto, Nagasaki, and Saga may be imported into any area of the United States except American Samoa, Arizona, California, Florida, Hawaii, Louisiana, the Northern

Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands. We would require the Unshu oranges to be imported only through ports of entry with USDA plant inspection stations. These ports, which are equipped with special inspection and treatment facilities, are indicated with an asterisk in § 319.37–14 of the regulations. Also, under 7 CFR 301.11, the Unshu oranges would not be allowed to be moved interstate from any State into which they are imported into or through any State, territory, or possession where importation is prohibited under § 319.28. These distribution requirements are the same as those now in place for Unshu oranges from Honshu Island, Japan, and Cheju Island, Republic of Korea.

Unshu Oranges from Honshu Island, Japan

As noted, all Unshu oranges that are currently imported into the United States from Japan are grown on Honshu Island. As explained previously, the highest risks from the importation of Unshu oranges are mealybugs, mites, and scale insects. Also, as explained previously, methyl bromide fumigation has been used by producers on Honshu Island, on a voluntary basis, to minimize the risks associated with these pests.

As a result of our pest risk analysis, we are proposing to change the entry requirements for Unshu oranges produced in the currently certified production areas in Japan, which are all located on Honshu Island. We propose to (1) require a mandatory postharvest fumigation with methyl bromide and (2), as requested by Japan, expand distribution to all parts of the United States except for American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

Because our proposal, if finalized, would allow Unshu oranges to be imported into areas of the United States where citrus is commercially produced, we are requiring that each shipment of oranges from Honshu Island, Japan, be fumigated with methyl bromide as an additional protective measure. Japan's voluntary methyl bromide practices have been effective overall in eliminating the mites and scale insects identified in the pest risk analysis, as well as the two disease vectors. However, the dosage schedule used in the voluntary program (2.5 lb. per 1000 cu. ft. for 2 hours at 59 °F or above) was not supported by data to be sufficient to kill mealybugs. The fumigation schedule we are proposing for the Unshu oranges both after harvest and prior to export, at the rate of 3 lbs. per 1000 cu. ft. for 2 hours at 59 °F—is an APHIS-approved treatment determined to be sufficient to kill mealybugs, mites, scale insects, and any other surface pests of concern. This fumigation schedule would further mitigate any risk that may be involved in allowing Unshu oranges from Honshu Island, Japan, to be imported directly into citrus-producing areas.

These actions would allow Unshu oranges to be moved into additional areas of the United States without increasing the risk of pest introduction. As mentioned previously, we are proposing these changes at the request of Japan's Ministry of Agriculture, Forestry and Fisheries, and to fulfill our obligations under international trade agreements. Under the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures, the United States is obliged to use sound, scientific principles in considering such requests, and to use health requirements only to the extent necessary to protect the health of U.S. agriculture and to reduce any pest and disease risk to negligible levels.

Use of Methyl Bromide

The United States and Japan are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol), an international treaty designed to preserve the stratospheric ozone layer by governing the production and use of ozone-depleting chemicals like methyl bromide. Methyl bromide is a broad spectrum pesticide used to control insect pests, nematodes, weeds, pathogens, and rodents, and it is in widespread use as a fumigant. The Protocol provides for a phaseout of methyl bromide in developed countries by the year 2005 and in developing countries, including Mexico, by the year 2015. However, the Parties' methyl bromide phaseout obligations do not apply to quantities of the substance used for quarantine and preshipment purposes.

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1999 (Act) amended the Clean Air Act (CAA) and directed the Environmental Protection Agency (EPA) to promulgate new rules to reduce and terminate the production, importation, and consumption of methyl bromide in accordance with the phaseout schedule of the Montreal Protocol. (Previously, on December 10, 1993, EPA had published a final rule in the **Federal Register** (58 FR 65018–65082) that froze methyl bromide production in the United States at 1991 levels and required the phasing out of domestic use of methyl bromide by 2001.) Consistent with the Protocol, the Act also amended the CAA by providing a quarantine-use exemption for the production, importation, and use of methyl bromide to fumigate commodities entering or leaving the United States to comply with APHIS regulations and for other legitimate quarantine uses. The World Trade Organization's Agreement on Sanitary and Phytosanitary Measures—of which Japan and the United States are signatories—also requires that member countries impose no greater restrictions, including the use of commodity treatments, than are necessary to achieve phytosanitary protection. Such protective measures must also be used in a manner that minimizes negative effects on trade.

To ensure that the United States fulfills its obligations under the CAA and the Protocol, EPA is nearing completion on amendments to its regulations that would revise the accelerated phaseout regulations and conform the U.S. methyl bromide phasedown schedule with the Protocol's schedule for industrialized nations. EPA has expressed assurances that a final rule on this issue will be published in the **Federal Register** in the near future. EPA has also indicated that it is preparing to publish a proposed rule regarding the process for handling and documenting exemptions for the production and importation of quantities of methyl bromide to be used for quarantine and preshipment purposes.

Because the Montreal Protocol exempts quarantine uses of methyl bromide, our proposal assumes the continued availability of methyl bromide for use as a fumigant for the foreseeable future. Nevertheless, USDA takes very seriously its commitment to work toward the development of commodity treatment alternatives to methyl bromide. Accordingly, APHIS is actively assessing the effectiveness and environmental acceptability of other tools—such as hot water treatment, thermal treatments (hot air, vapor heat, and cold treatment), and irradiation—that may economically manage the pests currently controlled with methyl bromide.

Remove Marked Wrapping Requirement for Individual Unshu Oranges

The principal method of maintaining the identity of imported Unshu oranges, under present regulations, is by stamping or printing a statement on the individual fruit wrapper and also on each box specifying the States into which the Unshu oranges may be imported and from which they are

prohibited removal. Our experience with the importation of Unshu oranges shows that the fruit is marketed and retailed by the box. We anticipate that marketing by the box will continue for future sales. Therefore, we are proposing to remove the current requirement for the wrapper on each fruit. It appears that the deletion of the individual fruit wrapper marking requirement would not increase the risk of introducing citrus canker or any other plant disease or pest into the United States nor prevent the effective enforcement of the restrictions on interstate distribution of the fruit within the United States. We are proposing to remove the requirement for individual fruit wrappers because marking the boxes is considered sufficient to safeguard distribution, and marking boxes will remain a requirement.

These safeguards would be adequate to ensure that the Unshu oranges imported into the United States from Honshu Island and Kyushu Island, Japan, and Cheju Island, Republic of Korea, would not disseminate citrus canker or other plant pests in the United States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

The economic analysis for the changes proposed in this document is set forth below. It provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act.

In the data we use to support this analysis, the terms ''tangerine'' and ''mandarin'' are generally interchangeable. Both refer to varieties of *Citrus reticulata.* For example, NASS production data are aggregated under ''tangerine,'' while Bureau of Census trade data use the term ''mandarin.'' Because of its familiarity, we use only the term ''tangerine'' in this analysis.

Unshu oranges (*Citrus reticulata* var. *unshu*) are a variety of tangerine currently allowed to be imported into the United States from citrus canker-free production areas of Japan and Korea. They may be imported into any part of the United States except for commercial citrus-producing areas. This proposed rule would change requirements for the importation of Unshu oranges from Honshu Island, where all such shipments from Japan originate at present, and allow importations from four prefectures on Kyushu Island. Unshu oranges imported from Honshu Island would no longer be prohibited from being distributed in five citrus-producing States (Arizona, California, Florida, Louisiana, and Texas), and postharvest treatment with methyl bromide would be mandatory. Unshu oranges from Kyushu Island would be prohibited from being distributed in citrus-producing States, American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, and methyl bromide treatment would not be mandatory. The proposed rule would also remove the current requirement that imported Unshu oranges be individually wrapped, regardless of whether they come from Japan or Korea.

Since Unshu oranges are not grown in the United States, entities that might be affected by the proposed changes in import regulations would be producers of other tangerine varieties, assuming Unshu oranges can be considered a substitute fruit. Annual receipts of $500,000 or less is the small-entity criterion set by the Small Business Administration for establishments primarily engaged in the production of citrus fruits. Most tangerine producers in the United States are small entities. Although the *1997 Census of Agriculture* excluded information on California's ''honey tangerine'' growers to avoid disclosing data for individual farms, the information that is available for ''other tangerine'' growers in California and other States indicates that most operations are small.

Quantities of Unshu oranges imported from Japan and Korea, 1994 to 1999, are shown in Table 1. Unshu orange imports from Japan between 1994 and 1999 averaged 240 metric tons per year.

TABLE 1.—UNSHU ORANGE IMPORTS BY THE UNITED STATES FROM JAPAN AND KOREA

	Japan	Korea	Total
Metric tons of Unshu oranges			
1994	324		324
1995	232	43	275
1996	165	214	379
1997	144	887	1,031
1998	224	31	255
1999	349	377	726

Source: Ministry of Agriculture, Forestry and Fisheries, Japan.

Japan's Ministry of Agriculture, Forestry and Fisheries is unable to project future Unshu orange exports to the United States that may result if this proposed rule is adopted. For the purposes of this analysis, therefore, we estimated that the 1994–1999 average would double, to 480 metric tons per year. Adding to this amount the average of yearly imports from Korea shown in Table 1, namely, 310 metric tons, would mean 790 metric tons of Unshu oranges imported annually. The estimated increase in imports from Japan may be too high, but we do not have information that would allow a more factually based projection. A high estimate of the potential increase in Japan's Unshu orange exports to the United States lends confidence to our conclusion regarding the potential economic effect on U.S. tangerine producers.

U.S. tangerine production, imports, and domestic supplies are shown in Table 2. U.S. net imports were less than 4 percent of the domestic supply in 1997–98. In addition, as Table 2 shows, the United States shifted from being a net exporter from 1994 through 1996 to being a net importer of tangerines beginning in 1996, reflecting increased demand for imported varieties. Annual exports from 1994 through 1998 were fairly constant, about 33,400 metric tons. Imports, however, increased sharply, from about 20,000 metric tons in 1994–95, to about 42,800 metric tons in 1997–98.

TABLE 2.—U.S. FRESH TANGERINE PRODUCTION AND IMPORTATION

[In metric tons]

	U.S. Production [1]	Net Imports [2]	Domestic Supply [3]
1994–95	190,046	−13,794	176,251
1995–96	220,985	−9,477	211,508
1996–97	255,020	1,742	256,762

TABLE 2.—U.S. FRESH TANGERINE PRODUCTION AND IMPORTATION—Continued

[In metric tons]

	U.S. Production [1]	Net Imports [2]	Domestic Supply [3]
1997–98	220,878	8,848	229,726

[1] Excludes processed fruit. Source: Production data from NASS, *Agricultural Statistics,* Tables 5–23 and 5–24.
[2] "Net imports" are imports minus exports. Calendar year data arranged to correspond to NASS cross-year production data. Source: Net import data: World Trade Atlas, Global Trade Information Services, Inc., based on data from U.S. Department of Commerce, Bureau of the Census.
[3] U.S. production (excluding processed fruit) plus net imports.

Comparing Unshu orange imports shown in Table 1 with U.S. tangerine supplies shown in Table 2, it is apparent that Unshu orange imports comprise a small portion of total supply. From 1994–95 to 1997–98, they averaged only 0.23 percent of U.S. tangerine supply, and when only the fruit imported from Japan is considered, 0.11 percent. The hypothesized import level, 790 metric tons a year, would represent only 0.36 percent of the average annual tangerine domestic supply over this 4-year period. This very small percentage suggests that any effect of Unshu orange imports, as a substitute fruit, on the sales and prices of other tangerine varieties as a whole would not be significant.

One seedless variety that is similar to the Unshu orange is the Satsuma. In the United States, it is commercially grown only in California, where there were 1,368 acres of bearing and 753 acres of nonbearing (young) trees as of May 1999, according to the California Department of Food and Agriculture. Satsuma production statistics are not recorded at the national or State level. Nearly all commercial production takes place in Fresno, Kern, and Tulare counties. Of these, only Fresno County maintains information specific to Satsumas. In 1997–98, 2,332 metric tons of Satsuma were produced on 470 acres in Fresno County. Based on those production levels, we estimate that the entire area of California planted with Satsuma annually produces 6,785 metric tons of fruit and could potentially produce 10,520 metric tons of fruit. The hypothesized quantity of Unshu orange imports, 790 metric tons, represents 11.6 and 7.5 percent, respectively, of the estimated California Satsuma production levels.

Direct access to California markets would allow Unshu orange imports from Honshu Island to compete more directly for California's Satsuma consumers. However, prices of the two varieties are not competitive. Wholesale prices for Satsuma in 1997–98 were about 40 to 50 cents per pound. Wholesale prices for Unshu oranges for the past 6 to 7 years have been around $1.40 to $1.50 per pound ($45 to $48 per 32-pound container). One company has been the sole importer of Unshu oranges from Japan for more than 10 years. Information from U.S. Department of Commerce, Bureau of the Census, shows that the average price of all tangerines imported by the United States from 1994 to 1998 was more in line with Satsuma prices, at about 47 cents per pound. A price difference of this magnitude implies distinct markets; it is highly unlikely that Satsuma customers would be willing to pay a threefold premium for a substitute variety. There may be latent demand for Unshu oranges in the United States, but the extent to which this demand draws away consumers of Satsuma and other domestic tangerine varieties would be marginal. More likely, Unshu orange sales in citrus-producing States and elsewhere would be to an expanding base of niche customers willing to pay the premium price for Unshu oranges.

The effect on the demand for other *Citrus reticulata* varieties from increased levels of Unshu orange imports is expected to be negligible. Even when the analysis focuses more narrowly on a similar tangerine variety, the Satsuma, the higher prices paid for Unshu oranges strongly indicate a distinct market, with any effect on Satsuma sales likely to be insignificant.

An increase in the importation of Unshu oranges is expected, given the proposed addition of Unshu oranges grown on Kyushu Island and the opportunity for Unshu oranges from Honshu Island to be marketed in U.S. citrus-producing States. The requirement that shipments from Honshu Island be fumigated using methyl bromide would not affect the volume of Unshu oranges exported, since all shipments from that island are already fumigated voluntarily. Whether the fruit continues to be wrapped after individual fruit wrappers are no longer required would probably be determined largely by customer preference.

As explained, increases in the quantity of Unshu oranges imported from Japan are not expected to have a significant economic effect on U.S. tangerine producers, whether the producer is a small or large entity.

Cost-Benefit Analysis and Analysis of Alternatives

Economic effects on U.S. producers and consumers resulting from this rule, if it is adopted, are expected to be insignificant. As described, projected Unshu orange imports represent about one-third of 1 percent of domestic tangerine supply. This small amount is unlikely to affect the demand for other tangerines, especially given that Unshu orange prices are triple those of other tangerines. U.S. retailers and consumers of Unshu oranges would benefit, particularly those in citrus-producing States that currently do not have direct access to them.

Alternatives to this rule would be to either maintain existing import regulations or propose restrictions different from those set forth here. The risk assessment supports neither alternative. Japanese sources and U.S. destinations can be expanded without jeopardizing the U.S. citrus industry. The economic effect would be positive, but very minor.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule would allow Unshu oranges to be imported into the United States from Kyushu Island and Honshu Island, Japan, and Cheju Island, Republic of Korea. If this proposed rule is adopted, State and local laws and regulations regarding Unshu oranges imported under this rule would be preempted while the fruit is in foreign commerce. Fresh Unshu oranges are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive

effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of Unshu oranges grown at approved locations in Japan and imported into certain areas of the United States under the conditions specified in this proposed rule would not present a risk of introducing or disseminating citrus canker, citrus fruit fly, and mealybugs and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 99–099–1. Please send a copy of your comments to: (1) Docket No. 99–099–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue, SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This rulemaking would relieve restrictions on the importation of Unshu oranges from Japan, as well as their distribution within the United States, without presenting a significant risk of introducing citrus canker or other destructive plant diseases or pests. Implementing this program, however, will necessitate the use of an information collection activity in the form of a certificate.

We are asking OMB to approve, for 3 years, our use of this certificate in connection with our program to relieve restrictions on the importation of Unshu oranges from citrus canker-free areas of Japan.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Full-time, salaried plant health officials of Japan's Plant Protection Service and growers of Unshu oranges.

Estimated annual number of respondents: 10.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 10.

Estimated total annual burden on respondents: 10 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

Copies of this information collection can be obtained from: Ms. Laura Cahall, APHIS' Information Collection Coordinator, at (301) 734–5360.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166 and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. Section 319.28 would be amended as follows:

a. Paragraphs (b)(2), (b)(3), (b)(4), and (b)(6) would be redesignated as paragraphs (b)(3), (b)(4), (b)(6), and (b)(7), respectively.

b. Paragraph (b) introductory text, and newly redesignated paragraphs (b)(6)(i) and (b)(7) would be revised.

c. New paragraphs (b)(2) and (b)(5) would be added.

§ 319.28 Notice of quarantine.

* * * * *

(b) The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma, grown in Japan or on Cheju Island, Republic of Korea, and imported under permit into any area of the United States except for those areas specified in paragraph (b)(7) of this section: *Provided,* that each of the following safeguards is fully carried out:

* * * * *

(2) In Unshu orange export areas and buffer zones on Kyushu Island, Japan, trapping for the citrus fruit fly (*Bactrocera tsuneonis*) must be conducted as prescribed by the Japanese Government's Ministry of Agriculture, Forestry and Fisheries and the U.S. Department of Agriculture. If fruit flies are detected, then shipping will be suspended from the export area until negative trapping shows the problem has been resolved.

* * * * *

(5) Each shipment of oranges grown on Honshu Island, Japan, must be fumigated with methyl bromide after harvest and prior to exportation to the United States. Fumigation must be at the rate of 3 lbs./1000 cu. ft. for 2 hours at 59 °F or above at normal atmospheric pressure (chamber only) with a load factor of 32 percent or below.

(6) * * *

(i) The individual boxes in which the oranges are shipped must be stamped or printed with a statement specifying the States into which the Unshu oranges may be imported, and from which they are prohibited removal under a Federal plant quarantine.

* * * * *

(7) The Unshu oranges may be imported into the United States only through a port of entry listed in § 319.37–14 of this part, except as follows:

(i) Unshu oranges from Honshu Island, Japan, may not be imported into American Samoa, the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands.

(ii) Unshu oranges from Kyushu Island, Japan (Prefectures of Fukuoka, Kumanmoto, Nagasaki, and Saga only), or Cheju Island, Republic of Korea, may not be imported into American Samoa, Arizona, California, Florida, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, or the U.S. Virgin Islands.

* * * * *

Done in Washington, DC, this 13th day of April 2001.

Thomas Hunt Shipman,

Acting Deputy Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 01–9628 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 00–010–1]

Horses From Iceland; Quarantine Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the importation of horses to exempt horses imported from Iceland from testing for dourine, glanders, equine piroplasmosis, and equine infectious anemia during the quarantine period. We believe this action is warranted because Iceland has never had a reported case of dourine, glanders, equine piroplasmosis, or equine infectious anemia, and it appears that horses imported from Iceland would pose a negligible risk of introducing those diseases into the United States. This action would relieve certain testing requirements for horses imported from Iceland while continuing to protect against the introduction of communicable diseases of horses into the United States.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 18, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–010–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–010–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including dourine, glanders, equine piroplasmosis, and equine infectious anemia (EIA). Dourine, glanders, equine piroplasmosis, and EIA are crippling equine diseases. Dourine, glanders, and equine piroplasmosis are not known to exist in the United States. EIA does exist in the United States, but the incidence of the disease is very low (in Fiscal Year 2000, only 0.046 percent of domestic horses tested for EIA returned positive results) and official controls are in place to prevent its spread. Specifically, the interstate movement of EIA reactor horses is prohibited unless a reactor horse is being moved to (1) a federally inspected slaughtering facility, (2) a federally approved diagnostic or research facility, or (3) the home farm of the reactor.

Under § 93.308(a) of the regulations, horses intended for importation into the United States from any part of the world must be quarantined upon arrival and tested for certain communicable diseases of horses. Under § 93.308(a)(3), horses may not be released from quarantine until they receive negative results to tests for dourine, glanders, equine piroplasmosis, and EIA and undergo any other tests and procedures that may be required by the Administrator of the Animal and Plant Health Inspection Service (APHIS) to determine their freedom from communicable diseases. Currently, horses from Australia and New Zealand are exempt from testing for dourine and glanders.

The Government of Iceland has requested that the U.S. Department of Agriculture exempt horses imported from Iceland from testing for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. Iceland has never had a reported case of dourine, glanders, equine piroplasmosis, or EIA.

In response to the Government of Iceland's request, APHIS has prepared a qualitative risk assessment evaluating the status of dourine, glanders, equine piroplasmosis, and EIA in Iceland. The risk assessment is based on documentation provided by Iceland regarding its veterinary infrastructure, animal health monitoring system, trading practices with other regions, and other pertinent information. The risk assessment documents Iceland's freedom from communicable diseases of horses, describes the capabilities of Iceland's veterinary diagnostic laboratory, and evaluates Iceland's natural and regulatory barriers on the movement and importation of animals, among other things. Copies of the risk assessment may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Based on the findings of APHIS' risk assessment, we believe that horses imported from Iceland would pose a negligible risk of introducing dourine, glanders, equine piroplasmosis, and EIA

into the United States. Therefore, we are proposing to amend § 93.308(a)(3) of the regulations to exempt horses imported from Iceland from testing for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. However, horses imported from Iceland would still have to be quarantined and undergo any tests and procedures that may be required by the Administrator to determine their freedom from communicable diseases.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would exempt horses imported into the United States from Iceland from the requirement for testing for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. As explained previously in this document, we believe that there is a negligible risk of horses imported from Iceland introducing dourine, glanders, equine piroplasmosis, and EIA into the United States.

U.S. importers of horses from Iceland would be affected by this rule if it is adopted. These importers would no longer be required to have horses that are imported from Iceland tested for dourine, glanders, equine piroplasmosis, and EIA during the quarantine period. The test for EIA costs $5; the tests for equine piroplasmosis cost $9 for each strain for a total of $18; the test for dourine costs $9; and the test for glanders costs $9. Therefore, importers would save a total of $41 on each horse imported from Iceland. Horses imported from Iceland would still be required to undergo a 3-day quarantine after arrival in the United States and undergo any other tests and procedures that may be required by APHIS to determine their freedom from communicable diseases.

According to the 1997 Census of Agriculture, the United States had a total population of at least 2,427,277 horses in that year. In 1999, the United States exported 78,702 horses valued at $293 million, and imported 30,398 horses valued at $326 million. However, only 166 (less than 1 percent) of those horses were imported from Iceland. The total number of horses imported from Iceland is small due in part to the prices of these horses, which averaged $4,367. All of the horses imported from Iceland in 1999 were nonpurebred horses. As a comparison, nonpurebred horses imported from Canada into the United States had an average value of $1,450 in 1999.

The overall impact of this proposed rule, if adopted, should be small. Importers would save on the importation of horses, but the overall savings would be small. Had this rule been in place in 1999 and applied to the 166 horses imported from Iceland in that year, importers would have saved a total of $6,806.

APHIS does not expect that the number of horses imported from Iceland into the United States would increase significantly as a result of this proposed rule. The cost reduction associated with this proposed rule would be less than 1 percent of the average price of those horses imported from Iceland into the United States in 1999. Therefore, this proposed rule is not expected to have a significant impact on U.S. importers of horses from Iceland, regardless of their size.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. In § 93.308, paragraph (a)(3) would be revised to read as follows:

§ 93.308 Quarantine requirements.

(a) * * *

(3) To qualify for release from quarantine, all horses, except horses from Iceland, must test negative to official tests for dourine, glanders, equine piroplasmosis, and equine infectious anemia.[14] However, horses imported from Australia and New Zealand are exempt from testing for dourine and glanders. In addition, all horses must undergo any other tests, inspections, disinfections, and precautionary treatments that may be required by the Administrator to determine their freedom from communicable diseases.

* * * * *

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9625 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 101

[Docket No. 99–040–2]

Viruses, Serums, Toxins, and Analogous Products; Definitions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule to amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog.* The proposed rule would have defined the term *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. The effect of the

[14] Because the official tests for dourine and glanders are performed only at the National Veterinary Services Laboratories in Ames, IA, the protocols for those tests have not been published and are, therefore, not available; however, copies of ''Protocol for the Complement-Fixation Test for Equine Piroplasmosis'' and ''Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia'' may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231.

proposed rule would have been to allow canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross. We are withdrawing the proposed rule due to the comments we received following its publication.

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations at 9 CFR part 101 contain definitions of terms used in the regulations concerning veterinary biologics in 9 CFR parts 101 through 117. On September 28, 1999, we published in the **Federal Register** (64 FR 52247–52248, Docket No. 99–040–1) a proposed rule to amend the regulations by adding a definition of *dog* to include all members of the species *Canis familiaris, Canis lupus,* or any dog-wolf cross. The proposed action would have allowed canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

The question of whether rabies vaccines approved for use in dogs should be recommended for use in wolves and wolf-dog crosses has been under consideration for at least 5 years. After domestic dogs were reclassified as members of the species *Canis lupus* (gray wolf) in the 1993 edition of the Smithsonian Institute's ''Mammal Species of the World, a Taxonomic and Geographic Reference,'' owners of wolves and wolf-dog crosses petitioned the Animal and Plant Health Inspection Service (APHIS) to allow the use of canine rabies vaccines in their animals.

In April 1996, APHIS hosted a meeting to discuss the issue. Experts from the disciplines of animal taxonomy, molecular genetics, veterinary immunology, wildlife biology, and veterinary public health attended. The meeting did not result in a clear consensus among the participants that the immune systems of wolves and dogs are equivalent. Therefore, APHIS took no further action regarding the petition. However, after supporters of the petition submitted followup data showing that over 600 wolves and wolf-dog crosses were vaccinated with canine vaccines without any reported adverse reactions, APHIS decided to publish the proposed rule.

We solicited comments concerning our proposal for 60 days ending on November 29, 1999. We received 79 comments by that date. The comments were from an animal welfare organization, animal rescue organizations, veterinary care facilities, a veterinary biologics manufacturer, veterinary associations, universities, a State agency, wolf and lupine organizations, a wildlife foundation, and private citizens. Most of the commenters who expressed support for the proposed rule were owners and/or fanciers of wolves and dog-wolf hybrids; however, several of the commenters who supported the proposed rule expressed concerns regarding ownership of wolves and dog-wolf crosses. Most of the commenters who were opposed to the proposed rule were concerned that the inclusion of wolves and dog-wolf crosses in the definition of *dog* would validate or encourage the ownership of wolves and dog-wolf crosses, and that such ownership could pose a risk to humans due to the unpredictable behavior of such animals. In addition, two of these commenters noted that the recommended use for a vaccine is typically supported by immunogenicity studies, and they cited the absence of such studies using wolves and dog-wolf crosses.

Many commenters who were in support of the proposed rule were of the view that failure to allow canine rabies vaccines to be recommended for use in wolves and wolf-dog crosses would create a large pool of animals that are susceptible to rabies. On the other hand, commenters also stated that canine rabies vaccines, as well as canine vaccines against other diseases, are widely used off-label. However, commenters also pointed out the fact that States do not recognize that animals administered off-label vaccines are properly vaccinated.

The commenters who opposed the proposed rule expressed three main areas of concern. First, they were of the view that there is insufficient safety and efficacy data established by controlled studies to recommend the use of the vaccines in wolves and wolf-dog crosses. Second, they did not agree that, because there was a lack of reported adverse reactions in approximately 600 vaccinated wolves and wolf-dog crosses, a valid scientific inference can be made that the products can safely and effectively be used in such animals. Third, these commenters, as well as some of those who supported the proposed rule, were concerned that including wolves and wolf-dog crosses in the definition of *dog* definitely sends the wrong message to the public. It was the opinion of the commenters that this type of change in the definition could have an implied meaning of domestication and behavioral traits normally associated with dogs. According to the commenters, such an implication would pose serious safety problems to the public. They stated that wolves and wolf-dog crosses can be highly unpredictable, have instinctive wild behaviors, and should not be promoted as ''pets.''

After carefully considering all of the comments, including those in the area of veterinary medicine and animal health, we have concluded that many of the concerns expressed about allowing canine rabies vaccines to be recommended for use in wolves and wolf-dog crosses have sufficient merit to warrant withdrawal of our proposal and reevaluation of this issue.

Therefore, we are withdrawing the September 28, 1999, proposed rule referenced above. The concerns and recommendations of all of the commenters will be considered if any new proposed regulations regarding the definition of *dog* are developed.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9624 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF ENERGY

10 CFR Part 733

RIN 1901–AA 89

Public Meetings To Obtain Input on DOE's Implementation of Federal Policy on Research Misconduct

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of public meetings and request for comments.

SUMMARY: DOE is initiating the development of a rulemaking to implement the Federal policy on research misconduct that was issued by the White House Office of Science and Technology Policy. The responsibility involves developing a DOE-complex wide policy on research misconduct and the necessary rulemaking to implement the policy. The rulemaking will include a definition of research misconduct as well as procedures for handling allegations of research misconduct. To begin this process, the DOE is holding a series of public meetings to obtain

input from persons and organizations with interests in this area.

DATES: Written comments can be submitted on or before June 20, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise Anne Marie Zerega at the address below, as soon as possible. The meetings are being held on May 10, June 12, June 14, and June 20.

ADDRESSES: All comments or requests for information should be sent to Anne Marie Zerega, Senior Analyst, Office of Planning and Analysis, Office of Science, SC–5, U.S. Department of Energy, Washington, D.C. 20585 Tel: 202–586–4477 Fax: 202–586–7719 e-mail: *Anne-Marie.Zerega@science.doe.gov.*

Four meetings are scheduled:

May 10, 2001, 10:00 a.m. to 4:00 p.m., Berkner Auditorium, Building 488, 11 Brookhaven Avenue, Brookhaven National Laboratory, Upton, New York 11973–5000, Phone: 631–344–8000

June 12, 2001, 9:00 a.m. to 3:00 p.m., Stanford Linear Accelerator Center, Stanford University, 2575 Sand Hill Road, Menlo Park, CA 94025

June 14, 2001, 10:00 a.m. to 4:00 p.m., Location: Jefferson County School Board Room, 1829 Denver West Drive, Building 27, Golden, CO 80401. The board room is on the 5th floor.

June 20, 2001, 10:00 a.m. to 4:00 p.m., Auditorium, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, 301–903–3000

FOR FURTHER INFORMATION CONTACT: Anne Marie Zevega, (202) 586–4477.

SUPPLEMENTARY INFORMATION: Each meeting will have the same agenda:

10:00 a.m. to 11:30 a.m. (9:00 a.m. to 10:30 a.m. in California)
Presentations by DOE officials from General Counsel, the Office of Science, and the Office of Hearings and Appeals

11:30 a.m. to 4:00 p.m. (10:30 a.m. to 3:00 p.m. in California)
Question and Comments will be taken from the floor during this period. There will be a one-hour break for lunch.

4:00 p.m. (3:00 p.m. in California)
Adjourn

Advances in science, engineering, and all fields of research depend on the reliability of the research record, as do the benefits associated with them in areas such as health and national security. Sustained public trust in the research enterprise also requires confidence in the research record and in the processes involved in its ongoing development. For these reasons, and in the interest of achieving greater uniformity in Federal policies in this area, the National Science and Technology Council (NSTC) initiated the development of a Federal research misconduct policy in April 1996. The Office of Science and Technology Policy (OSTP) provided leadership and coordination, and all Federal agencies with a research mission participated. The final policy was printed in the **Federal Register** on December 6, 2000 (66 FR 76260).

This policy applies to federally-funded research and proposals submitted to Federal agencies for research funding. It thus applies to research conducted by the Federal agencies, conducted or managed for the Federal government by contractors, or supported by the Federal government and performed at research institutions, including universities and industry.

The NSTC policy establishes the scope of the Federal government's interest in the accuracy and reliability of the research record and the processes involved in its development. It consists of a definition of research misconduct and basic guidelines for the response of Federal agencies and research institutions to allegations of research misconduct.

The Federal agencies that conduct or support research are charged with implementing this policy within one year of the date of its issuance. An NSTC interagency research misconduct policy implementation group has been established to help achieve uniformity across the Federal agencies in implementation of the research misconduct policy. In some cases, this may require agencies to amend or replace extant regulations addressing research misconduct. In other cases, agencies may need to put new regulations in place or implement the policy through administrative mechanisms.

The policy addresses research misconduct. It does not supersede government or institutional policies or procedures for addressing other forms of misconduct, such as the unethical treatment of human research subjects or mistreatment of laboratory animals used in research, nor does it supersede criminal or other civil law. Agencies and institutions may address these other issues as authorized by law and as appropriate to their missions and objectives.

A copy of the OSTP policy published in the **Federal Register** may be viewed at: *www.science.doe.gov/misconduct*

Issued in Washington DC on April 4, 2001.

James Decker,

Director (Acting), Office of Science.

[FR Doc. 01–9464 Filed 4–17–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 7 and 37

[Docket No. 01–07]

RIN 1557–AB75

Debt Cancellation Contracts and Debt Suspension Agreements

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to add a new part 37 to its regulations that addresses debt cancellation contracts (DCCs) and debt suspension agreements (DSAs). The purposes of the customer protections set forth in the proposed rule are to facilitate customers' informed choice about whether to purchase DCCs and DSAs, based on an understanding of the costs, benefits, and limitations of the products and to discourage inappropriate or abusive sales practices. In addition, the proposed rule promotes safety and soundness by requiring national banks that provide these products to maintain adequate loss reserves.

DATES: Comments must be received by June 18, 2001.

ADDRESSES: Comments should be directed to Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Mail Stop 1–5, Washington, DC 20219, Attention: Docket No. 01–07; Fax number (202) 874–4448 or Internet address: regs.comments@occ.treas.gov. Comments may be inspected and photocopied at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC. You can make an appointment to inspect the comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: Stuart Feldstein, Assistant Director, or Jean Campbell, Attorney, Legislative and Regulatory Activities Division, (202) 874–5090; or Suzette Greco, Special Counsel, Securities and Corporate Practice Division, (202) 874–5210, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

A debt cancellation contract (DCC) is a bank product that consists of a contract entered into by a bank providing for cancellation of all or part of the customer's obligation to repay an extension of credit from that bank upon the occurrence of a specified event. A debt suspension agreement (DSA) is a bank product that consists of a contract entered into by a bank providing for suspension of all or part of the repayment obligation under an extension of credit from that bank upon the occurrence of a specified event. Under a DCC or DSA, the customer agrees to pay an additional fee to the bank in exchange for the bank's promise to cancel or temporarily suspend payments on the debt. The fee may be paid in a single lump sum or in periodic installments.

The authority of national banks to offer DCCs and DSAs is well-recognized.[1] The OCC currently has one regulation in this area. Section 7.1013 of our rules addresses a national bank's authority to enter into DCCs. In 2000, we published an advance notice of proposed rulemaking (ANPR) requesting comment on whether additional regulations governing DCCs and DSAs were necessary or appropriate. 65 FR 4176 (January 26, 2000).

The ANPR invited comment on the following issues: (1) Whether we should issue regulations governing DCCs that, for example, establish standards for the disclosure of terms, notices, contract termination, contract charges, and dispute resolution; (2) whether we should include DSAs in any regulations covering DCCs; and (3) whether we should address other areas or issues by regulation. The ANPR also invited commenters to recommend specific provisions that would protect customers, prohibit abusive practices, and ensure the safety and soundness of national banks offering these products.

The OCC received 41 comments in response to the ANPR. Virtually all commenters agreed that any new rules should govern both DCCs and DSAs. Twenty-one commenters said that the OCC should issue customer protection regulations. State insurance regulators, consumer advocates, insurance companies and several banks generally favored regulations, some urging regulations similar to state laws that govern sales of credit life insurance. The details of various state insurance laws differ, but generally include rate regulation, requirements for the advance review and approval of insurance forms, and claims procedures.

Twenty commenters, including bank trade groups and most bank commenters, opposed new regulations. Many of these commenters said that regulations are unnecessary because there is no evidence of widespread abusive sales practices or customer complaints. These commenters also noted that banks offering DCCs are already covered by the Truth in Lending Act (TILA), 15 U.S.C. 1601 *et seq.,* and by state law. If the OCC were to provide additional standards applicable to DCCs, they urged the OCC to issue guidelines rather than regulations.

On balance, the OCC agrees with those commenters who believe that some additional regulations in this area would be beneficial. We note that the Federal Reserve Board's Regulation Z requires banks offering DCCs to make disclosures that are limited in scope and applicable only if the bank wishes to exclude the fees for the DCC from the finance charge on the underlying loan.[2] The customer protections set forth in the proposed rule have a broader purpose, however. They are designed to facilitate customers' informed choice about whether to purchase DCCs and DSAs, based on an understanding of the costs, benefits, and limitations of the product, as well as to discourage inappropriate or abusive sales practices. In addition, the proposed rule promotes safety and soundness by requiring national banks to maintain adequate reserves to cover the potential losses attributable to the DCCs and DSAs they issue.

Compliance with OCC rules on DCCs would not affect a national bank's obligation to comply with the applicable provisions of Regulation Z. Many national banks already comply with TILA rules because they wish to exclude the fees for the DCC from the finance charge. In order to avoid burdensome overlap, we have drafted the proposal to be consistent with TILA-required disclosures where possible. We invite recommendations on additional changes to the proposed rule that would further reduce any burden arising from the requirement to comply with both rules.

In addition, we request comments on all aspects of the proposed rules and on the specific issues highlighted in the section-by-section description.

Section-by-Section Description

Section 37.1 Authority, Purpose, and Scope

The OCC's rules, at 12 CFR 7.1013, recognize that national banks may provide DCCs as permissible banking products. Section 7.1013 further provides that national banks may impose an additional charge for the product and may establish the necessary loss reserves. The proposed rule removes 12 CFR 7.1013, replacing it with § 37.1, which states the authority of national banks under 12 U.S.C. 24 (Seventh) to enter into both DCCs and DSAs as authorized bank products and to charge a fee for these products. Section 37.1 omits the statement in the current rule specifically permitting the establishment of reserves, however, because the proposal, at new § 37.7, *requires* the bank to establish loss reserves or obtain from a third party insurance that is adequate to cover expected losses.

Section 37.1 sets forth the purposes of the new regulations, which are, generally, to set forth the standards that apply to a national bank's provision of DCCs and DSAs, enhance consumer protections for customers who buy DCCs or DSAs from banks, and ensure that national banks providing DCCs or DSAs do so on a safe and sound basis. Section 37.1 also clarifies that since DCCs and DSAs are banking products, they are governed by this part and not by 12 CFR part 14 (consumer protections for depository institution sales of insurance).

The regulations apply to the provision of DCCs and DSAs by national banks and Federal branches and agencies.

Section 37.2 Definitions

The proposed rule defines a DCC as a contract entered into by a bank providing for cancellation of all or part of the amount due under an extension of credit from that bank upon the occurrence of a specified event. A DSA is similarly defined as a contract entered into by a bank providing for suspension of all or part of the repayment obligation under an extension of credit from that bank upon the occurrence of a specified event.[3] The OCC invites comment on

[1] 12 CFR 7.1013 (authorizing national banks to enter into DCCs upon the death or disability of a borrower). *See First National Bank of Eastern Arkansas* v. *Taylor*, 907 F.2d 775 (8th Cir. 1990), *cert. denied,* 498 U.S. 972 (1990) (offering DCCs is permissible for national banks pursuant to 12 U.S.C. 24 (Seventh)); Interpretive Letter No. 827 (April 3, 1998) (national banks may offer DSAs pursuant to the same authority).

[2] *See* 12 CFR 226.4(d)(3) (providing, among other things, that a bank may exclude from the finance charge fees for debt cancellation coverage if the coverage is optional for the customer; the fee for the coverage is disclosed; the term of the coverage is disclosed (if the term is shorter than the terms of the loan); and the customer affirmatively requests the coverage in writing).

[3] This definition does not cover so-called ''skip-a-payment'' agreements that are a feature of a loan contract and that permit a customer to skip a certain

the definition of DCC and DSA and particularly whether other elements should be added to cover specific products.

The rule uses the term ''bank'' to include a national bank as well as a Federal branch or agency. A customer is defined as an individual who obtains a loan or other extension of credit from a bank primarily for personal, family or household purposes.

Section 37.3 Prohibited Practices

The proposed rule contains several types of customer protections that are standard when a bank provides products associated with a loan. The proposal contains an anti-tying provision that precludes a bank from extending credit or changing the terms or conditions of an extension of credit conditioned upon the purchase of a DCC or DSA from the bank.

The proposed rule also prohibits a bank from engaging in any practice that could mislead a reasonable person with respect to certain information that must be disclosed under proposed § 37.6(a).

The proposed rule also prohibits use of two types of contractual provisions that present high risks of unfair dealing with customers. First, the proposal prohibits a bank from including in a DCC or DSA any term that the bank routinely does not enforce. Inclusion of such a term misleads customers and discourages them from obtaining the debt relief for which they have paid. However, we recognize that a bank's failure to enforce contractual provisions sometimes permits the bank to work with customers who are experiencing financial difficulty so that the customer ultimately can fully repay the obligation to the bank. The proposed rule uses the word ''routinely'' so that a bank retains the discretion to make exceptions in certain situations.

Second, the proposed rule prohibits a bank from retaining a unilateral right to modify or cancel the contract. The OCC believes retaining such a right has the potential to be abusive because it could be exercised in such a way as to deny the customer the otherwise enforceable right to debt relief for which the customer has paid.

Section 37.4 Affirmative Election Required

Proposed § 37.4 requires the customer to affirmatively elect to purchase a DCC or DSA in writing in a document that is separate from the documents pertaining to the credit transaction. This provision addresses the practice of ''negative enrollment,'' where a customer may automatically purchase a DCC or DSA unless the customer opts out. Negative enrollment causes some customers to pay for a product they did not want or intend to buy. The proposed rule is consistent with Regulation Z, which requires that a customer sign or initial an affirmative written request for debt cancellation coverage if fees for such coverage are to be excluded from the finance charge. *See* 12 CFR 226.4(d)(3)(I)(C). This provision helps to prevent coercion and customer confusion, and enables customers to make informed decisions about whether to purchase a DCC or DSA. The acknowledgment may be made electronically if it complies with the requirements of the Electronic Signatures in Global and National Commerce Act (E–Sign), 15 U.S.C. 7001 *et seq.*

We invite comment on whether any additional customer protections should be included, as well as on whether modifications to any of those proposed would be appropriate.

Section 37.5 Refunds of Fees in the Event of Termination of the Agreement or Prepayment of the Covered Loan

Some banks that offer DCCs and DSAs may structure those products so that the customer does not receive a refund of any unearned portion of the fee paid for the product if the DCC or DSA is terminated or the customer prepays the loan covered by the contract or agreement. Banks have suggested that customers benefit from a ''no-refund'' product because the total fee paid by a customer is substantially less than the fee that would be charged for the same product with a fee refund feature. On the other hand, a no-refund product could be structured in a way that is unfair to customers if, for example, the customer pays most of the fee early in the term of the contract but also prepays the loan well before the end of the term. The proposal does not preclude a bank from offering a no-refund product, but instead requires a bank that provides a no-refund product also to offer a product that provides for a refund of the unearned portion of the fee. Requiring both options should encourage the availability of products that allow a customer to choose between a lower total fee or the availability of a refund.

If a customer is entitled to a refund, the amount due the customer may vary greatly depending on the method used to calculate the refund. The two most commonly used formulas for computing refunds are ''the Rule of 78's'' and the actuarial method. Both of these methods recognize that the initial payment of a loan includes more interest than later payments. However, under the Rule of 78's, a customer will receive a substantially lower refund than if the actuarial method had been used to compute the refund. Because application of the Rule of 78's creates substantial inequities for the customer, proposed § 37.5(b) requires banks to calculate the amount of any refund due a customer based on a method at least as favorable to the customer as the actuarial method. This provision uses language similar to the TILA provision relating to refunds of unearned interest charges. *See* 15 U.S.C. 1615(b).

Section 37.6 Disclosures

Content of Required Disclosures

The first disclosure under proposed § 37.6(a) requires a bank to inform the customer that its approval of an extension of credit and the terms and conditions of such extension are not conditioned on the purchase of a DCC or DSA from the bank. Requiring a bank to disclose the anti-tying provision to customers prior to their decision to purchase a DCC or DSA helps ensure that the customer evaluates the coverage on the basis of the economic benefit it provides and not because the customer believes that credit will be denied or the terms of credit will be altered without the coverage.

The second and third disclosures under proposed § 37.6(a) relate to the fee banks charge for a DCC or DSA. The proposed rule requires a bank to inform customers of the total fee for the DCC or DSA and the method of payment, including whether the payment will be collected in a lump sum or periodic payments, and whether the fee is included in the loan amount. The method of payment is an important factor in determining the total cost to the customer. For example, if the fee is paid in a lump sum and included in the amount financed, the customer will pay interest on the fee, in addition to the interest charged on the underlying loan. Information about the amount of the fee and the method the bank uses to collect it helps customers understand the costs and benefits of the product and enables them to make an informed decision about whether the product meets their needs.

The fourth disclosure requires a bank to describe any material limitations relating to the DCC or DSA. A DCC or DSA may contain important conditions that limit the circumstances under which a customer may take advantage of the debt cancellation or debt suspension features of the product. Examples of

number of loan payments at the customer's option, without reference in the contract to a specified triggering event and without incurring a late fee or other penalty.

material limitations in a DSA or DCC include imposing a waiting period before a customer may activate benefits; limiting the number of payments a customer may defer; limiting the term of coverage to a specific number of months; limiting the maximum amount of indebtedness the bank will cancel; or terminating coverage when the customer reaches a particular age. Disclosure of material limitations assists a bank to avoid inappropriate sales practices that could subject the bank to substantial reputation or litigation risk.

The fifth disclosure requires a bank to inform the customer if the customer's activation of the contract will prohibit the customer from incurring additional charges or using the credit line. This disclosure promotes informed choice because the inability to use a credit line or incur new charges may be a factor in some customers' decisions whether to purchase the DCC or DSA.

The sixth disclosure requires a bank to disclose whether the customer is not entitled to a refund of the unearned portion of the fee in the event the customer terminates the contract or prepays the loan prior to the scheduled termination date, and that the customer has the option of purchasing a DCC or DSA that provides for a refund in those circumstances. This information is particularly important when a loan is repaid in full prior to its scheduled termination date.

The seventh disclosure requires a bank to explain the circumstances under which a customer or the bank may terminate the contract if termination is permitted during the life of the loan. Even if a customer has a right to terminate the contract, there may be substantial limitations on that right. This information may be an important component of a customer's decision whether to purchase the product. The fact that the bank may terminate the contract and the conditions under which it may do so are also critical factors in a customer's decision whether to purchase the product.

The eighth disclosure requires a bank to describe the procedures a customer must follow to notify the bank that a triggering event has occurred. This information is important because a customer wishing to activate the debt suspension or debt cancellation feature of the contract must follow the procedures outlined in the contract. Requiring banks to disclose this information will help to eliminate customer confusion.

The OCC invites comment on each of these disclosures and any others that commenters believe would be desirable.

Method of Making Disclosures

The proposed rule sets forth the timing and manner in which a bank is required to provide disclosures. Proposed § 37.6(a) requires banks to make these disclosures before a customer completes the purchase of a DCC or DSA. Under proposed § 37.6(b), a bank may make the disclosures in writing, or electronically, if done in a manner consistent with the requirements of E-Sign.

Form of Disclosures

Proposed § 37.6(c) requires disclosures to be clear, conspicuous, readily understandable, and designed to call attention to the nature and significance of the information provided. These standards are similar to those contained in 12 CFR part 14, consumer protection in sales of insurance. Many banks are already familiar with these types of requirements because the OCC's insurance sales rule provides specific examples that will satisfy this requirement. *See* 12 CFR 14.40(c)(6), 65 FR 75840 (Dec. 4, 2000). The examples included in § 37.6(c) are modeled on those examples.

Section 37.7 Safety and Soundness Requirement

To ensure that the offering of DCCs and DSAs does not unduly increase the bank's risk exposure, loss reserves must be established and maintained at a level adequate to cover expected losses related to DCCs and to cover the debt service on loans during debt suspension periods.

National banks offering DCCs and DSAs typically set aside reserves from the fees paid by bank customers for these products. Such reserves are used to absorb losses arising from debt cancellation and to service the interest accrual during the debt suspension period. If the bank maintains a separate reserve, the bank's own risk managers and our examiners will be able to determine more easily the adequacy of the reserves, the accuracy of the accounting for the reserves, and appropriateness of the methodology used to determine the amount of the reserve. Proposed § 37.7 requires national banks to establish a separate loss reserve and to maintain the reserve at a level adequate to conduct this business line in a safe and sound manner.

Consistent with longstanding OCC practice, the proposed rule also permits a national bank to elect to obtain insurance to cover risks associated with offering DCCs and DSAs.

The OCC requests comment on alternative approaches, including any approaches that could be designed for community banks in particular.

Part 7—Bank Activities and Operations

The proposed rule removes 12 CFR 7.1013 and replaces it with several of the new provisions in part 37.

Regulatory Analysis

A. Paperwork Reduction Act

For purposes of compliance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.,* the OCC invites comment on:

(1) Whether the proposed collection of information contained in this notice of proposed rulemaking is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(2) The accuracy of the OCC's estimate of the burden of the proposed information collection;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected;

(4) Ways to minimize the burden of the information collection on the respondents, including the use of automated collection techniques or other forms of information technology; and

(5) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Respondents are not required to respond to this collection of information unless the final regulation displays a currently valid Office of Management and Budget (OMB) control number.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the OMB for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Alexander Hunt, Desk Officer, Washington, DC 20503, with a copy to Jessie Dunaway, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Mailstop 8–4, Washington, DC 20219.

The proposed rule requires banks to make certain disclosures to a customer before the customer completes the purchase of a DCC or DSA. The bank may make the disclosures in writing or electronically. The disclosure requirements are as follows:

Section 37.6(a)(1) requires a bank to inform the customer that its approval of

an extension of credit and the terms and conditions of such extension are not conditioned on the purchase of a DCC or DSA from the bank.

Sections 37.6(a)(2) and 37.6(a)(3) require a bank to inform customers of the total fees for the DCC or DSA and the method the bank will use to collect the payments.

Section 37.6(a)(4) requires a bank to describe any material limitations on the customer's ability to collect benefits relating to the DCC or DSA.

Section 37.6(a)(5) requires a bank, if applicable, to inform the customer that activation of the contract will prohibit the customer from incurring additional charges or using the credit line.

Section 37.6(a)(6) requires a bank to disclose, if applicable, that the customer is not entitled to a refund of the unearned portion of the fee in the event the customer terminates the contract or prepays the loan prior to the scheduled termination date, and that the customer has the option of purchasing a DCC or DSA that provides for a refund in those circumstances.

Section 37.6(a)(7) requires a bank to explain the circumstances under which a customer or the bank may terminate the contact if termination is permitted during the life of the loan.

Section 37.6(a)(8) requires a bank to describe the procedures a customer must follow to notify the bank that a triggering event has occurred.

The estimated total annual burden with respect to extensions of credit will depend on the number of banks that offer DCCs and DSAs, the number of consumer loan transactions per bank per year where disclosures are provided, and the amount of time per transaction. The OCC cannot at this time accurately estimate the total number of participating banks or the total number of consumer loan transactions in which disclosures are provided to individual customers because the OCC does not currently collect this type of data. Solely for the purpose of complying with the Paperwork Reduction Act, the OCC has estimated the annual paperwork burden assuming that 2,300 national banks will provide DCCs and DSAs, and the average burden associated with developing the disclosures would be approximately 10 hours.

The OCC specifically requests comment on appropriate ways to estimate the total number of participating banks, the total number of consumer loan transactions in which these disclosures will be provided to individual customers, and the burden associated with developing the disclosures and providing the disclosures to individual customers.

The likely respondents are national banks.

Estimated Number of Respondents: 2,300 respondents.

Estimated Number of Responses: 2,300 responses.

Estimated Burden Hours per Response: 10 hours.

Estimated Total Annual Burden Hours: 23,000 hours.

The OCC will revisit these estimates when we have more information on the scope of the rule and the number of potential respondents and consumer loan transactions. The revised estimates will also reflect all comments received concerning the burden estimates.

B. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) requires federal agencies either to certify that a proposed rule would not, if adopted in final form, have a significant impact on a substantial number of small entities or to prepare an initial regulatory flexibility analysis (IRFA) of the proposal and publish the analysis for comment. *See* 5 U.S.C. 603, 605. On the basis of the information currently available, the OCC is of the opinion that this proposal, if it is adopted in final form, is unlikely to have a significant impact on a substantial number of small entities, within the meaning of those terms as used in the RFA.

C. Executive Order 12866 Determination

The OCC has determined that the proposed rule, if adopted as a final rule, would not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866. Under the most conservative cost scenarios that the OCC can develop on the basis of available information, the impact of the proposal falls short of the thresholds established by the Executive Order.

D. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Act of 1995 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the annual expenditure of $100 million or more in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act requires an agency to identify and consider a reasonable number of alternatives before promulgating a rule.

The OCC has determined that the proposed rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Solicitation of Comments on Use of ''Plain Language''

Section 722 of the G–L–B Act requires that the Federal banking agencies use ''plain language'' in all proposed and final rules published after January 1, 2000. We invite your comments on how to make the proposed rules easier to understand.

List of Subjects

12 CFR Part 7

Credit, Insurance, Investments, National banks, Reporting and recordkeeping requirements; Securities; Surety bonds.

12 CFR Part 37

Banks, banking, Consumer protection, Debt cancellation contract, Debt suspension agreement, National banks, Reporting and recordkeeping requirements, Safety and soundness.

Authority and Issuance

For the reasons set forth in the preamble, the OCC proposes to amend chapter I of Title 12 of the Code of Federal Regulations by amending part 7 and adding a new part 37 as follows:

PART 7—BANK ACTIVITIES AND OPERATIONS

1. The authority citation for part 7 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.* and 93a.

2. Section 7.1013 is removed.

3. Add part 37 to read as follows:

PART 37—DEBT CANCELLATION CONTRACTS AND DEBT SUSPENSION AGREEMENTS

Sec.
37.1 Authority, purpose and scope.
37.2 Definitions.
37.3 Prohibited practices.
37.4 Affirmative election required.
37.5 Refunds of fees in the event of termination of the agreement or prepayment of the covered loan.
37.6 Disclosures.
37.7 Safety and soundness requirement.

Authority: 12 U.S.C. 1 *et seq.*, 24(Seventh).

§ 37.1 Authority, purpose, and scope.

(a) *Authority.* A national bank may enter into debt cancellation contracts and debt suspension agreements and charge a fee therefor, pursuant to 12 U.S.C. 24(Seventh).

(b) *Purpose.* The purpose of this part is to set forth the standards that apply to a national bank's provision of debt

cancellation contracts and debt suspension agreements, enhance consumer protections for customers who buy debt cancellation contracts or debt suspension agreements from national banks, and ensure that national banks providing debt cancellation contracts or debt suspension agreements do so on a safe and sound basis.

(c) *Scope.* This part applies to the provision of debt cancellation contracts and debt suspension agreements by national banks and Federal branches and agencies. Sales of debt cancellation contracts and debt suspension agreements are governed by this part and not by part 14 of this chapter.

§ 37.2 Definitions.

For purposes of this part:

(a) *Bank* includes a national bank and a Federal branch or Federal agency as those terms are defined in part 28 of this chapter.

(b) *Customer* means an individual who obtains a loan or other extension of credit from a bank primarily for personal, family or household purposes.

(c) *Debt cancellation contract* means a contract entered into by a bank providing for cancellation of all or part of the amount due under an extension of credit from that bank upon the occurrence of a specified event.

(d) *Debt suspension agreement* means a contract entered into by a bank providing for the suspension of all or part of the repayment obligation under an extension of credit from that bank upon the occurrence of a specified event.

§ 37.3 Prohibited practices.

(a) *Anti-tying.* A bank may not extend credit or alter the terms or conditions of an extension of credit conditioned upon the purchase of a debt cancellation contract or debt suspension agreement from the bank.

(b) *Misleading or deceptive representations.* A bank may not engage in any practice that could mislead a reasonable person with respect to the information that must be disclosed under § 37.6(a) of this part.

(c) *Terms not routinely enforced.* A debt cancellation contract or debt suspension agreement may not contain any term that the bank routinely does not enforce.

(d) *Unilateral right to modify.* A debt cancellation contract or debt suspension agreement may not give the bank the unilateral right to modify the contract or agreement.

§ 37.4 Affirmative election required.

The customer must affirmatively elect to purchase a debt cancellation contract or debt suspension agreement. The customer's election must be in writing in a document that is separate from the documents pertaining to the credit transaction. The election may be made electronically in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 *et seq.*

§ 37.5 Refunds of fees in the event of termination of the agreement or prepayment of the covered loan.

(a) *Refunds.* If a debt cancellation contract or debt suspension agreement is terminated, including when the the customer prepays the loan covered by the contract or agreement, a bank shall refund to the customer any unearned portion of the fee paid for the product unless the contract or agreement provides otherwise. A bank may offer a customer a contract or agreement that does not provide for a refund of the unearned portion of the fee upon termination or prepayment if the bank also offers that customer the option of purchasing a contract or agreement that provides for such a refund.

(b) *Method of calculating refund.* The bank shall calculate the amount of the refund using a method at least as favorable to the customer as the actuarial method.

§ 37.6 Disclosures.

(a) *Content of disclosures.* A bank must disclose the following information to a customer before the customer completes the purchase of a debt cancellation contract or debt suspension agreement:

(1) That the approval of an extension of credit and the terms and conditions of such extension are not conditioned on the customer's purchase of a debt cancellation contract or debt suspension agreement from the bank;

(2) The amount of the total fee for the debt cancellation contract or debt suspension agreement;

(3) The method the bank will use to collect the payment, including whether the payment must be paid in a lump sum or in periodic payments, and whether the fee is included in the loan amount;

(4) A description of any material limitations on the customer's ability to collect benefits pursuant to the terms of the contract or agreement and where the customer may find further information regarding these limitations;

(5) If applicable, a statement that activation of the debt cancellation contract or debt suspension agreement will cause the bank to preclude the customer from incurring additional charges or using a credit line;

(6) If applicable, a statement that the customer will not be entitled to a refund of the unearned portion of the fee in the event the customer terminates the contract or prepays the loan in full prior to the scheduled termination date, and a statement that the customer has the option of purchasing a debt cancellation contract or debt suspension agreement that provides for a refund in those circumstances;

(7) An explanation of the circumstances under which the customer or the bank may terminate the contract or, if applicable, a statement that the customer has no right to terminate the contract; and

(8) A description of the procedures a customer must follow to notify the bank that a triggering event under the debt cancellation contract or debt suspension agreement has occurred.

(b) *Method of making disclosures.* The bank may make the disclosures required under § 37.6(a) of this section in writing or, if the customer consents, electronically. Electronic disclosures must be made in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 *et seq.*

(c) *Form of disclosures.* Disclosures required by this part must be clear, conspicuous, readily understandable, and designed to call attention to the nature and significance of the information provided. Examples of methods that could call attention to the nature and significance of the information provided include:

(1) A plain-language heading to call attention to the disclosures;

(2) A typeface and type size that are easy to read;

(3) Wide margins and ample line spacing;

(4) Boldface or italics for key words; and

(5) Distinctive type style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

§ 37.7 Safety and soundness requirement.

A national bank must establish and maintain a separately identifiable loss reserve for debt cancellation contracts and debt suspension agreements at a level sufficient to meet expected losses or interest payments for suspended or canceled debt. Instead of maintaining a separate loss reserve, a national bank may obtain from a third party insurance that is adequate to cover the expected losses.

Dated: April 9, 2001.

John D. Hawke, Jr.,

Comptroller.

[FR Doc. 01–9585 Filed 4–17–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–05]

Proposed Amendment to Class D Airspace; White Plains, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend Class D airspace at White Plains, NY. Controlled airspace extending upward from the surface to 2999 feet Mean Sea Level (MSL) is necessary to insure a continuous altitude coverage for IFR operations to the base of the overlying Class B airspace. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before May 18, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 01–AEA–05, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–AEA–05''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class D airspace area at Westchester County Airport, White Plains, NY. This controlled additional airspace extending upward from 2900 feet to 2999 feet is needed to accommodate IFR operations at the airport either descending through 3000 feet or climbing through 2900 feet. Class D airspace designations for airspace areas extending upward from the surface are published in Section 5000 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR Part 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9H dated September 1, 2000, and effective September 16, 2000, is proposed to be amended as follows:

Section 5 Class D airspace areas extending upward from the surface of the earth.

* * * * *

AEA NY D White Plains, NY

Westchester County Airport, White Plains, NY

(lat. 41° 04′01″ N., long. 73° 42′27″ W.)

That airspace extending upward from the surface to and including 2999 feet MSL within a 4.1-mile radius of the Westchester County Airport. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Jamaica, New York on April 6, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–9602 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–09]

Proposed Modification of Class E Airspace; Chautauqua County/ Jamestown Airport (JHW), Jamestown, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Class E airspace at Jamestown, NY. The development of several Standard Instrument Approach Procedures (SIAPs) based on the Global Positioning System (GPS) and the amendment of existing Standard Instrument Approach Procedures for the Chautauqua County/Jamestown Airport, Jamestown, NY have made this proposal necessary. To provide sufficient controlled airspace to contain aircraft executing a Standard Instrument Approach would require several extensions to existing Class E airspace at Jamestown, NY. This modification presents the assigned airspace in a more organized format. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before May 18, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 01–AEA–09, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–AEA–09.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering a modification to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify Class E airspace area at Chautauqua County/Jamestown Airport. Class E airspace designations for airspace areas extending upward from the Surface are published in Paragraph 6002 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The Rule

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9F dated September 1, 2000, and effective September 16, 2000, is proposed to be amended as follows:

Paragraph 6002 Class E airspace areas extending upward from the surface of the earth.

* * * * *

AEA NY E2 Jamestown, NY

Chautauqua County/Jamestown Airport, Jamestown, NY
(Lat. 42°09′12″N., long. 79°15′29″W.)

Within a 6 mile radius of the Chautauqua County/Jamestown Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be published continuously in the Airport/Facility Directory.

* * * * *

Issued in Jamaica, New York on April 6, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–9603 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–06]

Establishment of Class E Airspace; Kane, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Kane Community Hospital Heliport, Kane, PA. Development of a GPS Standard Instrument Approach (SIAP), GPS Helicopter Point in Space 006 approach for the Kane Community Hospital Heliport has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before May 18, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 01–AEA–06 F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809: telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–AEA–06''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket closing both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Kane, PA. A GPS Point in Space Approach 006 has been developed for Kane Community Hospital Heliport, Kane, PA. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H dated September 1, 2000, and effective September 16, 2000, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Kane, PA

Kane Community Hospital Heliport
(Lat. 41°40′16.14″N/long. 78°49′04.44″W)
Point in Space
(Lat. 41°39′05.58″N/long. 78°52′08.99″W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of a point in space for the SIAP to the Kane Community Hospital Heliport, Kane, PA.

* * * * *

Issued in Jamaica, New York on April 6, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–9601 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA106–4113b; FRL–6959–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Merck and Company, Inc

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for a facility of Merck and Company, Inc. located in Montgomery County. This facility is a major source of volatile organic compounds (VOC) and nitrogen oxides (NO_X). In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 18, 2001.

ADDRESSES: Written comments should be addressed to Makeba Morris, Chief, Permits and Technical Assessment Branch, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik A. Spain, (215) 814–2299, at the EPA Region III address above, or by e-mail at spain.melik@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: March 19, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–9481 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-month Finding for a Petition To List the Sicklefin Chub (*Macrhybopsis meeki*) and the Sturgeon Chub (*Macrhybopsis gelida*) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a 12-month finding for a petition to list the sicklefin chub (*Macrhybopsis meeki*) and the sturgeon chub (*Macrhybopsis gelida*) as endangered under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, we find that listing either of these two species is not warranted at this time.

DATES: The finding announced in this document was made on April 10, 2001.

ADDRESSES: Data, information, comments, or questions regarding this notice should be sent to Mr. Allyn Sapa, Field Supervisor, 3425 Miriam Avenue, Bismarck, North Dakota, 58501. The complete administrative file for this finding is available for inspection during normal business hours, by appointment, at the above address. The status review document for the sicklefin chub and the sturgeon chub also may be obtained at that address, or at our Internet web site at <http://mountain-prairie.fws.gov/endspp/chubs>.

FOR FURTHER INFORMATION CONTACT: William Bicknell at the above address, telephone (701) 250–4414, or e-mail <william_bicknell@fws.gov>.

SUPPLEMENTARY INFORMATION:

Background

The sicklefin and sturgeon chub are members of the Cyprinidae or minnow family. They are native to the Missouri River basin and the Mississippi River downstream from the confluence with the Missouri River. Both species are highly adapted for conditions found in large free-flowing rivers with relatively high levels of turbidity.

The sicklefin chub is usually yellowish or tan colored on the back and silvery-white on the belly with a snout protruding slightly beyond the mouth. A single pair of maxillary barbels is located at the corners of the mouth. Average adult length ranges from 3.6 to 10.1 centimeters (1.4 to 4.0 inches) with the average adult weight ranging from 0.6 to 6.2 grams (0.02 to 0.2 ounce). The sicklefin is a relatively short-lived species with a small percentage of the population reaching age 4. The sicklefin chub can be most readily distinguished by its elongated pectoral fins and a sickle-shaped dorsal fin.

The sturgeon chub is tan to pale green on the back and cream to white on the belly. A few black speckles occasionally are present on the sides and back. It has a long, fleshy snout with a single pair of maxillary barbels located at the corners of the mouth. Average adult length ranges from 3.8 to 9.6 centimeters (1.5 to 3.8 inches) and average adult weight ranges from 0.3 to 9.3 grams (0.01 to 0.3 ounces). The sturgeon chub is relatively short-lived species with a maximum life-span of about 4 years. Sturgeon chub can be identified by the unique longitudinally-arranged ridges or keels on most scales.

Section 4(b)(3)(B) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires that within 90 days of receipt of the petition, to the maximum extent practicable, we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the requested action may be warranted. If the petition contains substantial information, the Act requires that we initiate a status review of the species and publish a 12-month finding indicating whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate listing proposal by other pending proposals of higher priority. Such 12-month findings are to be published promptly in the **Federal Register**.

In 1993, we issued status reports for the sicklefin chub and sturgeon chub (U.S. Fish and Wildlife Service 1993a, b). The reports indicated the range and populations of sicklefin and sturgeon chubs had been substantially reduced. On June 29, 1994, we received a petition from a coalition of groups to list the

sicklefin and sturgeon chubs as endangered throughout their range in accordance with the provisions of the Act. The petitioners include American Rivers, Environmental Defense Fund, Mni Sose Intertribal Water Rights Coalition, National Audubon Society, and the Nebraska Audubon Council.

The petitioners assert that, historically, sicklefin chub and sturgeon chub populations inhabited a substantial portion of the Missouri River, its larger tributaries, and the Mississippi River downstream from the confluence with the Missouri River. They indicate that the historic range of sicklefin and sturgeon chubs included waters in or bordering 13 and 14 States, respectively.

The petitioners indicate that sicklefin and sturgeon chubs have physically adapted through evolution to inhabit turbid, swift-flowing rivers. The petitioners assert that the impoundment and channelization of the Missouri River have drastically altered the natural habitat of the chubs by altering the natural hydrograph and reducing water temperature and turbidity levels. The petitioners also contend that aquatic insect larvae are the primary food source for these species. They believe the removal of snags from the Missouri River and dam construction have affected the range and abundance of aquatic insect larvae.

The petitioners conclude that the reduction of sicklefin chub and sturgeon chub habitat has severely impacted the species ability to survive. Transformation of the Missouri River has created colder, less turbid conditions which favor other Missouri River fish. The petitioners assert that the existing programs are not adequate to protect sicklefin and sturgeon chub populations. They believe listing these species as endangered will ensure consultation under section 7 of the Act for actions authorized, funded, or carried out by Federal agencies. The petitioners also indicate that scientists desperately need more information about both species and listing will place a higher priority on funding sicklefin and sturgeon chub research needs.

Status Review

On January 18, 1995, we published a positive 90-day finding for both species in the **Federal Register** indicating that the petitioned action may be warranted. At that time, we requested public comments on the 90-day finding and any available information on the status of the species. We established a status assessment team, consisting of biologists from Service Regions 3, 4, and 6, to gather information documenting sicklefin chub and sturgeon chub populations and to determine whether listing these species as threatened or endangered under the Act was warranted. A draft 12-month finding was completed in August 1995 and subsequently revised in 1997, 1999, and 2000, to include substantial new information. The Montana Rivers Coalition filed a 60-day notice of intent to sue the Secretary of the Interior on April 6, 2000, for the Service's alleged failure to act on the petition in the timeframes established by the Act. The Montana Rivers Coalition's action resulted in a settlement agreement in which we agreed to submit the 12-month finding for the sicklefin and sturgeon chubs for publication in the **Federal Register** on or before April 12, 2001.

We received information concerning the status of sicklefin and sturgeon chub populations from State game and fish departments, the U.S. Bureau of Reclamation, U.S. Geological Survey, tribal representatives, universities, and other organizations and individuals. We also reviewed information on the sicklefin and sturgeon chub from peer-reviewed journal articles, agency reports and file documents, telephone interviews, and written correspondence with fisheries biologists familiar with these species.

Around the time the petition to list the sicklefin and sturgeon chubs as endangered was filed, fishery biologists modified the gear used to sample cyprinid populations. Until 1993, researchers primarily relied on seines to collect small fish in the Missouri and Mississippi Rivers. Seines allowed sampling in shallow water, usually not exceeding 1.5 meters (4.9 feet) in depth, in sandbar and border channel habitats. Grisak (1996) was the first to use a benthic trawl, modified to catch small fish, to characterize the fish population in a portion of the Missouri River. Grisak's work above Fort Peck Reservoir in Montana during 1994 and 1995 and the results of subsequent field investigations using benthic trawls have provided new information on the range and relative abundance of the sicklefin and sturgeon chubs.

Sicklefin Chub Status Summary

Based on our current understanding of this species, we believe that the sicklefin chub historically occurred in approximately 85 miles of the Lower Yellowstone River, approximately 1,950 miles of the main stem Missouri River, and about 1,150 miles of the Mississippi River, below the mouth of the Missouri River.

Since 1993, when we completed a Sicklefin Chub Status Report (U.S. Fish and Wildlife Service 1993a), additional surveys have been conducted throughout most of this species' historical range. These studies indicate that sicklefin chub are more widely distributed and more common than previously believed. The effectiveness of sampling techniques has dramatically improved with the use of benthic trawls that have been modified to collect small fish. Benthic trawls have permitted sampling in deep-water habitats where seines, the traditional cyprinid collection method, are ineffective or cannot be used.

Recent studies using benthic trawls indicate that sicklefin chub comprise a significant part of the fish population at three locations in the Missouri River drainage—above Fort Peck Reservoir in Montana; the Yellowstone/Missouri River confluence area in North Dakota and Montana; and the lower Missouri River in Missouri. Grisak (1996) used both seines and a benthic trawl to sample the fish population in the Missouri River above Fort Peck Reservoir in 1994 and 1995. He found sicklefin chubs comprised 21.9 percent of the benthic trawl catch and only 0.08 percent of the catch with seines. Sicklefin chubs were the second most common species collected in benthic trawl tows. In 1999 and 2000, Gardner (2000a,b) sampled the same general area as Grisak. The sicklefin chub was the most common species collected in 1999 (41.5 percent of the catch) and the third most common species collected in 2000 (5.1 percent of the catch). Welker (2000) used both seines to sample shallow border channel habitat and a benthic trawl to sample deep-water habitat in the Yellowstone/Missouri River confluence area in 1997 and 1998. Sicklefin chubs were the most common species collected in benthic trawl tows, comprising 33.2 percent of the trawl catch. By contrast, only 12 sicklefin chub were collected in seine hauls (0.005 percent of the catch using seines). Liebelt (in litt. 1999) sampled the Missouri River above the headwaters of Lake Sakakawea in 1999. Sicklefin chubs were the third most common species collected, making up 8.6 percent of the catch. Grady and Milligan (1998) sampled the Missouri River in Missouri in 1997. They collected 3,934 fish in seine hauls, including 1 sicklefin chub. By contrast, sicklefin chubs were the second most common species collected with a benthic trawl (8.4 percent of the catch).

In addition to the Missouri River populations, field studies conducted by the Missouri Department of

Conservation since 1997 have documented viable populations of sicklefin chub in the Middle Mississippi River and in the Wolf Island area of the Lower Mississippi River. Prior to these studies, collections of sicklefin chub in the Lower Mississippi River were rare and generally document the presence of an individual fish.

Based on the information provided by these surveys, we now estimate that sicklefin chub currently occupy approximately 1,110 miles or about 54 percent of the species' historic range in the Missouri River drainage.

Sturgeon Chub Status Summary

We believe that the sturgeon chub historically occurred in approximately 2,100 miles of the main stem Missouri River and about 1,150 miles of the main stem Mississippi River. The species also was found in the Yellowstone River in Montana and North Dakota and 30 tributaries to the Yellowstone and Missouri Rivers. The sturgeon chub occurred in portions of four tributaries in Wyoming, nine in Montana, five in North Dakota, six in South Dakota, six in Nebraska, and four in Kansas. Tributaries such as the Powder River, which provides sturgeon chub habitat in both Wyoming and Montana, are included in the tallies for both States. Other tributaries that historically provided sturgeon chub habitat in two states include the Big Horn, Little Missouri, and Republican Rivers.

Studies conducted since 1994 using benthic trawls designed to collect small fish from deep-water areas of the border and main channel have provided new information about the distribution and relative abundance of sturgeon chub. Grisak (1996) conducted the first studies using a benthic trawl with small mesh netting to specifically collect cyprinids and other small fish in the Missouri River. He sampled the Missouri River above Fort Peck Reservoir in 1994 and 1995 and found that sturgeon chub comprised 18.9 percent of the benthic trawl catch compared to only 0.16 percent of the catch with seines. In Grisak's study, sturgeon chub were the third most common species collected in benthic trawl tows. In 1999 and 2000, Gardner (1999, 2000) sampled the same general area as Grisak. Gardner collected 218 sturgeon chub (16.1 percent of the catch) in August 1999 and 145 sturgeon chub (32.0 percent of the catch) in August 2000 using a benthic trawl. Welker (2000) used both seines and a benthic trawl to sample the fish population in the Yellowstone/Missouri River confluence area in North Dakota. Sturgeon chub were the second most common species collected (32.3 percent of the catch) in benthic trawl samples taken in the main channel. Shallow border channel areas also were sampled with seines. Sturgeon chubs were rare in seine samples, representing less than 0.01 percent of the catch. Liebelt (*in litt.* 1999) sampled a reach of the Missouri River from Williston, North Dakota, downstream to the headwaters of Lake Sakakawea in August 1999. Sturgeon chubs were the second most common species collected, representing 11.1 percent of the catch in benthic trawl tows. In Missouri, Grady and Milligan (1998) sampled the Lower Missouri River with seines and benthic trawls in 1997. They collected 3,934 fish with seines; however, no sturgeon chub were captured. Sturgeon chub ranked fourth in abundance for fish collected in benthic trawl tows (4.1 percent of the catch).

Since 1997, field studies conducted by the Missouri Department of Conservation indicate a viable population of sturgeon chub exists in the Middle Mississippi River and in the Wolf Island area of the Lower Mississippi River (Hrabik and Herzog, *in litt.* 2000 a,b). Historic collections of sturgeon chub in the Lower Mississippi River below Wolf Island are rare and do not provide adequate information to assess if this area historically provided important sturgeon chub habitat.

Using these studies we believe the distribution of sturgeon chub in the main stem Missouri and Mississippi Rivers is similar to that of the sicklefin chub. Like the sicklefin chub, sturgeon chub comprise a significant portion of the Missouri River fish community above Fort Peck Reservoir in Montana, in the Yellowstone/Missouri River confluence area in Montana and North Dakota, and in the Lower Missouri River in Missouri.

In total, we estimate that sturgeon chub currently occupy approximately 1,155 miles or about 55 percent of the species, historic range in the Missouri River. The species also continues to be found in 11 of 30 tributaries to the Yellowstone and Missouri Rivers that have been documented as providing sturgeon chub habitat. Viable populations of sturgeon chub are also present in the Middle Mississippi River and in the Wolf Island area of the Lower Mississippi River. As with the sicklefin chub, information documenting sturgeon chub populations in the Mississippi River is limited by comparison to the Missouri River data set.

The Act defines a ''threatened species'' as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An ''endangered species'' is defined as any species which is in danger of extinction throughout all or a significant portion of its range.

Section 4(a) of the Act describes five threat factors that we must consider to determine whether any species is a threatened or endangered species for purposes of the Act. Any one or combination of the five threat factors may indicate the appropriateness of a warranted 12-month administrative finding. Section 4(b) of the Act requires that we also give consideration in our determination of a species' status to efforts being made by any State or foreign nation to protect such species. We considered the five threat factors established by the Act and any ongoing conservation measures for sicklefin and sturgeon chubs in our determination. A full discussion of the threats appears in the current status review (U.S. Fish and Wildlife 2001) for these species, and is summarized as follows:

1. *The present or threatened destruction, modification, or curtailment of the species habitat or range.*

Water development projects on the Missouri and Middle and Lower Mississippi Rivers and tributaries have impacted sicklefin and sturgeon chub populations. Reservoirs flooded river habitat, altered temperature and flow regimes, and reduced sediment transport and turbidity. Dams fragmented populations and restricted movement. Channelization straightened and narrowed river habitat, reduced habitat diversity, and reduced overbank flooding. These impacts have resulted in a reduction in the range of these species by approximately one half.

There are potential impacts associated with coalbed methane production in Wyoming and Montana, and future water impoundment and depletion projects on the Yellowstone River, its tributaries, and tributaries to the Missouri River. Information documenting how coalbed methane products will affect water quality in tributaries such as the Powder River is not known at this time. The amount of water involved with the potential depletions is not of a sufficient magnitude to suggest major impacts to the chubs. The impact of these projects on aquatic ecosystems will be investigated further during the planning and permitting process.

Although the chubs have suffered reductions in range, our status survey determined that both species currently have a wider distribution than previously thought, and there are numerous populations that appear to be

viable throughout the range of both species. Channelization projects continue to be implemented in the Missouri River Basin, but at a pace much reduced from the levels experienced in the first half of the 20th century. The construction of new large reservoirs is not anticipated. The fact that these short-lived fish are clearly reproducing where stream habitat conditions are adequate leads us to conclude that neither species will become threatened or endangered in the foreseeable future due to habitat loss.

2. *Overutilization for commercial, recreational, scientific, or educational purposes.*

We are not aware of any significant threats to either species in this category. However, removal of individuals from the wild could have occurred and may continue to occur from harvest of bait fish. We find no evidence of significant impacts to the chub species from overutilization for commercial, recreational, scientific, or educational purposes.

3. *Disease or predation.*

No diseases are currently known to threaten the species. Predation has likely increased over historic levels due to stocking of piscivorous fish into the reservoirs and remaining riverine sections. Reduced turbidity levels in chub habitat also may have resulted in increased predation rates. However, we find no evidence to indicate that current levels of predation threaten the continued existence of either chub species. Sampling of chub habitats in recent years strongly suggests that these short-lived species are reproducing in adequate numbers to sustain viable populations for the foreseeable future.

4. *The inadequacy of existing regulatory mechanisms.*

Currently there is no Federal legal protection for the sicklefin and sturgeon chubs. In addition, few States provide any legal protection to these species. Within their historical range, both chubs receive legal protection in the State of Kansas where the sturgeon chub and sicklefin chub are classified officially as threatened and endangered, respectively. Take of either species is prohibited, and provisions allow for habitat protection and designation of critical habitat (Kansas Department of Wildlife and Parks 1992). In South Dakota, both chubs officially are listed as State threatened. The State of Illinois prohibits the take of the sturgeon chub and provides some habitat protection (Sue Lauzon, pers. comm. 1995). Kentucky has restrictions on collections of both chubs (Wayne Davis, Kentucky Department of Fish and Wildlife Resources, pers. comm. 1995), and Tennessee prohibits the take or possession of either chub, or the knowing destruction of habitats from Federal actions (Bob Hatcher, Tennessee Wildlife Resource Commission, pers. comm. 1995).

Several national and State professional conservation societies and environmental departments within various State governments unofficially have classified the sturgeon chub and sicklefin chub as either threatened or endangered, a species of special concern, rare, on a watch list, deemed in need of management, or transient. However, these designations do not provide any legal protection to either chub species.

5. *Other natural or manmade factors affecting its continued existence.*

Severe drought in the early 1990's may have eliminated sturgeon chub from some Missouri River tributaries and may reoccur and impact additional tributary populations. Sturgeon chub populations have been eliminated from approximately 800 miles of the Missouri River that has been converted to reservoir habitat. Tributaries that now flow into reservoirs may never naturally recolonize. However, our status review found that there are numerous viable populations of both species currently extant throughout about half of the species' historic range, which indicates that these species persist through drought cycles.

Our status review examined the impact of entrainment of sturgeon chubs by irrigation structures and potential water quality impacts. We have entered formal consultation under section 7 of the Act concerning impacts to pallid sturgeon (*Scaphirhynchus albus*) associated with the Intake Diversion Structure and lowhead dam, and Reclamation's plans to privatize and transfer the facilities to the Lower Yellowstone Irrigation District. Studies conducted at this structure projected that over 2,000,000 fish were entrained in the irrigation canal system during the 1996, 1997, and 1998 irrigation seasons. Reclamation estimated that over 289,000 ± 113,000 sturgeon chub were entrained during the 3-year study period. Reclamation is working with the Service and others to develop a design that allows for fish passage over the lowhead dam and minimizes entrainment losses. Implementation of ''fish friendly'' measures will benefit the sturgeon chub population in the Yellowstone River. Conservation measures developed for the Intake Diversion Structure and lowhead dam may be applicable at other water diversion sites on the Yellowstone River.

Another potential threat to sicklefin and sturgeon chub populations is the presence of four species of Asian carp in the Mississippi River and the Missouri River below Gavins Point Dam. There are no data currently available to document that chubs are being impacted by invasive species. However, if Asian carp populations continue to expand, the diversity of species supported by the Missouri and Mississippi River ecosystems, including chubs, may be negatively impacted.

Conservation Measures

We also have evaluated ongoing and proposed conservation measures that will have a beneficial impact on sicklefin and sturgeon chub populations when fully implemented. We have identified two conservation actions, one that is being implemented and one that is currently in the planning stage, that will benefit both sicklefin and sturgeon chubs. Implementation and monitoring of the Missouri River Bank Stabilization and Navigation Project (BSNP) fish and wildlife mitigation plan is ongoing. The BSNP was established to create a navigable channel from Sioux City, Iowa, to the mouth of the Missouri River near St. Louis (735 river miles). Originally authorized by the Rivers and Harbors Act of 1912 and officially completed in 1981, the project created one stabilized, self-sustaining channel from numerous small channels using revetments and transverse dikes. In 1986, Congress authorized mitigation for fish and wildlife habitat losses associated with the construction, operation, and maintenance of the BSNP in Nebraska, Iowa, Kansas, and Missouri. The project mitigation plan authorized the acquisition of 29,900 acres (12,109 hectares) and the development of an additional 18,200 acres (7,371 hectares) of existing public land. Recently, the mitigation plan was reauthorized as part of the Water Resources Development Act of 1999, and the acquisition ceiling was increased by 118,650 acres (48,053 hectares). Based on the conceptual plans that have been developed, State and Federal agencies anticipate the rehabilitation of aquatic and terrestrial habitats will benefit fish and wildlife resources, including the sicklefin and sturgeon chub.

In November 2000, we completed a biological opinion under Section 7 of the Act on the Corps of Engineers' Operation of the Missouri River Main Stem System, the related operation of the Kansas River Tributary Reservoirs, and the Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Projects (U.S. Fish and

Wildlife Service 2000). We found that, to avoid jeopardizing the continued existence of the pallid sturgeon, least tern, and piping plover, conservation measures to restore riverine and aquatic habitat and hydrologic conditions on segments of the Missouri River between Fort Peck Dam and the headwaters of Lake Sakakawea and below Gavins Point Dam are necessary. The emphasis of the Biological Opinion is to restore or rehabilitate enough of the Missouri River ecosystem to avoid jeopardizing the pallid sturgeon and other listed species. Implementation of the identified conservation measures are expected to have a significant beneficial effect on sicklefin and sturgeon chub through habitat restoration and creation projects, improved water temperature regimes, and flow modifications designed to mimic the natural hydrograph. The Corps of Engineers is currently seeking public input on the Implementation Plan for the Reasonable and Prudent Alternative identified in the Biological Opinion.

Conclusions

The principal factors impacting sicklefin and sturgeon chub populations are the construction and continuing operation of the dams on the main stem Missouri River and channelization of the Middle and Lower Missouri and Mississippi Rivers. Water depletion projects, impoundments, entrainment, and drought have impacted sturgeon chub populations in the Yellowstone River and tributaries to the Yellowstone and Missouri Rivers. The threats posed by the dams and reservoirs have been in place for over 35 years. Despite the loss of over 1,000 miles of suitable habitat in the Missouri River, viable, self-sustaining populations of sicklefin and sturgeon chubs occur where habitat conditions, flow patterns, and turbidity levels resemble conditions prior to the construction of the main stem dams.

Field studies conducted since the 1993 status reports were issued indicate that sicklefin chub and sturgeon chub are more widespread and occur in greater numbers than previously believed. Researchers in Montana (Grisak 1996, Gardner 2000a, b), North Dakota (Liebelt, *in litt.* 1999, Everett 1999, Welker 2000), and Missouri (Grady and Milligan 1998, Hrabik and Herzog, *in litt.* 2000a, b) have collected substantially greater numbers of sicklefin and sturgeon chub using trawling techniques. Recently, new locations supporting sicklefin and sturgeon chub populations, such as the Wolf Island area of the Lower Mississippi River, have also been identified.

While major information gaps remain concerning feeding habits, reproduction, seasonal habitat use, and other aspects of sicklefin and sturgeon chub biology, substantially greater emphasis has been placed on documenting chub populations and their habitats during the past 7 years. Therefore, on the basis of the best available information, we conclude that neither the sicklefin chub nor the sturgeon chub is likely to become threatened or endangered in the foreseeable future throughout all or a significant portion of their range. Therefore, listing either the sicklefin chub or the sturgeon chub is not warranted at this time.

This finding is based on our analysis of the current status and potential threats to these two cyprinids. In addition we are encouraged by proposed modifications in the operation of the Federal projects on the main stem Missouri River, which when fully implemented will improve native fish habitat and benefit sicklefin and sturgeon chub populations.

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Author

The primary author of this document is William Bicknell (see **ADDRESSES** above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 10, 2001.

Marshall P. Jones, Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 01–9443 Filed 4–17–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 66, No. 75

Wednesday, April 18, 2001

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–070–2]

Mycogen c/o Dow and Pioneer; Availability of Environmental Assessment for Determination of Nonregulated Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed determination that corn line developed by Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., and designated as line 1507, which has been genetically engineered for insect resistance and tolerance to the herbicide glufosinate, would no longer be considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. We are making this environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive by May 18, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–070–2, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–070–2.

You may read the petition for a determination of nonregulated status submitted by Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., the environmental assessment, and any comments we receive on this notice of availability in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Koehler, Biotechnology Assessments Section, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–4886. To obtain a copy of the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 2000, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 00–136–01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen c/o Dow) of Indianapolis, IN, and Pioneer Hi-Bred International, Inc. (Pioneer) of Johnston, IA, seeking a determination that a corn line designated as *Zea mays L.* cultivar line 1507 (line 1507), which has been genetically engineered for resistance to certain lepidopteran insect species and tolerance to the herbicide glufosinate, does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On September 6, 2000, APHIS published a notice in the **Federal Register** (65 FR 53976–53977, Docket no. 00–070–1) announcing that the Mycogen c/o Dow and Pioneer petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether corn line 1507 posed a plant pest risk. The comments were to have been received by APHIS on or before November 6, 2000. APHIS received no comments on the subject petition during the designated 60-day comment period.

Corn line 1507 has been genetically engineered to express a Cry1F insecticidal protein derived from the common soil bacterium, *Bacillus thuringiensis* subsp. *aizawai (Bt aizawai).* The Cry1F protein is said to be effective in controlling the larvae of such common pests of corn as European corn borer, southwestern corn borer, black cutworm, and fall armyworm. The subject corn line also contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes.* The *pat* gene encodes the phosphinothricin acetyltransferase (PAT) protein, which confers tolerance to the herbicide glufosinate. Expression of these added genes is controlled in part by gene sequences from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens.* Microprojectile bombardment was used to transfer the added genes into the recipient inbred corn line Hi-II.

Corn line 1507 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. Field tests of the subject corn line have been conducted since 1997 under APHIS notifications under confined conditions. If the Mycogen c/o Dow and Pioneer petition for a determination of nonregulated status is approved, corn line 1507 would no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340 and the requirements pertaining to regulated articles under those regulations would no longer apply to the subject corn line or its progeny.

To provide the public with documentation of APHIS' review and analysis of the environmental impacts and plant pest risk associated with a determination of nonregulated status for the Mycogen c/o Dow and Pioneer corn line 1507, an environmental assessment (EA) has been prepared. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA

Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 12th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9626 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety Inspection Service

[Docket No. 01–013N]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting; request for comments.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will meet on May 7, 2001. The meeting is open to the public. The Committee will review scientific issues related to the Agency's *Escherichia coli* O157:H7 policy. The committee will also begin discussion of the charge contained in the conference report accompanying Public Law 106–387, which states that NACMCF should undertake to consider issues regarding microbiological performance standards, including the role of such standards in ensuring meat and poultry product safety. FSIS will finalize an agenda describing the specific charges to the Committee on or before the meeting date and post it to its internet web page.

Additionally, on May 8, 9, and 10, 2001, FSIS invites Committee members to attend a technical conference and a public meeting regarding the Agency's recently proposed regulatory requirements for ready-to-eat meat and poultry products, ''Performance Standards for the Production of Processed Meat and Poultry Products.''

DATES: The full Committee will hold a meeting on Monday, May 7, 2001, beginning at 8:30 a.m.

ADDRESSES: The meeting will be held at the Washington Plaza Hotel, Federal Ballroom, #10 Thomas Circle, NW, at Massachusetts Avenue & 14th Street, Washington, DC 20005, telephone (202) 842–1300. Send an original and two copies of comments to the Food Safety and Inspection Service Docket Room: Docket #01–013N, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250. Comments may also be sent by facsimile (202) 205–0381. The comments and the official transcript of the meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address.

FOR FURTHER INFORMATION CONTACT: Persons interested in making a presentation, submitting technical papers, or providing comments should contact Ms. Karen Thomas (202) 690–6620, Fax (202) 690–6634, e-mail address: *karen.thomas@dcqexs1.hqnet.usda.gov,* or mailing address: Food Safety and Inspection Service, Department of Agriculture, Office of Public Health and Science, Aerospace Center, Room 333, 1400 Independence Avenue, SW., Washington, DC 20250–3700. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas, by April 25, 2001.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in April 1988, in response to a recommendation in a 1985 report of the National Academy of Sciences Committee on Food Protection, SubCommittee on Microbiological Criteria, ''An Evaluation of the Role of Microbiological Criteria for Foods.'' The Charter for the NACMCF is available for viewing on the FSIS internet web page at http://www.fsis.usda.gov/OA/programs/nacmcf_chart.htm

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides advice to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense. Dr. I. Kaye Wachsmuth, Deputy Administrator, Office of Public Health and Science, FSIS, is the Committee Chair.

At the May 7, 2001, meeting announced in this document, the Committee will review scientific issues related to the Agency's policy with respect to the following issues:

- Research on *E. coli* O157:H7 in blade tenderized beef steaks, including a preliminary study by scientists at Kansas State University.
- Technical issues related to scientifically determined criteria, including microbiological performance standards, and how such criteria and standards best function to provide scientific support for approaches to ensure the safety of meat and poultry products.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on: April 12, 2001.

Thomas J. Billy,

Administrator.

[FR Doc. 01–9622 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Opal Creek Scenic Recreation Area (SRA) Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Salem, Oregon on Saturday, May 5, 2001. The meeting is scheduled to begin at 9 a.m., and will conclude at approximately 2 p.m. The meeting will be held at the Salem City Library, Anderson Room B, located at 585 Liberty Street SE in Salem, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (Public Law 104–208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory

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

The public comment period is tentatively scheduled to begin at 1 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the May 5 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

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

Dated: April 13, 2001.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 01–9564 Filed 4–17–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 010412092–1092–01]

Initiation of National Security Investigation of Imports of Iron Ore and Semi-Finished Steel, Re-Opening of Public Comment Period

AGENCY: Bureau of Export Administration, Department of Commerce.

ACTION: Notice of initiation of National Security Investigation, re-opening of public comment period.

SUMMARY: Pursuant to public request, the Bureau of Export Administration (BXA) is re-opening its public comment period until May 2, 2001, for the Notice of initiation of National Security Investigation and Request for Public Comments, published on February 6, 2001.

DATES: Comments must be received by May 2, 2001.

ADDRESSES: Send three copies of written comments to Brad Botwin, Director, Strategic Analysis Division, Bureau of Export Administration, U.S. Department of Commerce, Room 3876, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Brad Botwin, Director, Strategic Analysis Division, Bureau of Export Administration, U.S. Department of Commerce, (202) 482–4060, bbotwin@bxa.doc.gov or Michael Vaccaro, Trade and Industry Analyst, Bureau of Export Administration, U.S. Department of Commerce, (202) 482–8232, mvaccaro@bxa.doc.gov. For more information about the section 232 program, including the applicable Commerce Department regulations and the text of previous investigations, see *www.doc-bxa.bmpcoe.org* under ''Programs.''

SUPPLEMENTARY INFORMATION: On February 6, 2001, BXA published a Notice of Initiation of National Security Investigation and Request for Public Comments (66 FR 9067) announcing the initiation of an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of iron ore and semi-finished steel. The notice also requested public comments on the investigation; the closing day for the comment period was April 9, 2001. In response to requests received from interested parties, BXA is re-opening the original 60 day public comment period until May 2, 2001. As a result, comments on the investigation must now be received by May 2, 2001. Comments received after April 9, 2001 and before the date of this notice will be accepted and considered by BXA.

Dated: April 12, 2001.

Matthew Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 01–9611 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1155]

Approval for Expansion of Subzone 104A, Merck & Company, Inc., Plant (Pharmaceuticals), Dougherty County, GA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Savannah Airport Commission, grantee of FTZ 104, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 104A at the Merck plant in Dougherty County, Georgia (FTZ Docket 62–2000, filed 11/17/2000);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 71296, 11/30/00);

Whereas, pursuant to Section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 104A on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 5th day of April, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9640 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 16–2001]

Foreign-Trade Zone 87—Lake Charles, LA; Expansion of Manufacturing Authority—Subzone 87A; Conoco, Inc., Westlake, LA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Lake Charles Harbor & Terminal District, grantee of FTZ 87, requesting authority on behalf of Conoco, Inc. (Conoco), to expand the scope of manufacturing activity conducted under zone procedures within Subzone 87A at the Conoco oil refinery complex in Westlake, Louisiana. 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 April 9, 2001.

Subzone 87A was approved by the Board in 1988 and consists of four sites in Westlake, Louisiana: *Site 1* (1,300 acres)—main refinery complex, 2200 Old Spanish Trail, Westlake; *Site 2*—Docks and Wharf; *Site 3*—Clifton Ridge Marine Terminal; *Site 4*—Pecan Grove Terminal. Authority was granted for the manufacture of fuel products and certain petrochemical feedstocks and refinery byproducts (Board Order 406, 53 FR 52455, 12/28/88).

The Conoco refinery (750 employees) is used to produce fuels and petrochemical feedstocks. The subzone, as originally approved, had a crude oil capacity of 150,000 barrels per day. The expansion request primarily involves new crude oil refining units within Site 1. Conoco, in partnership with Maraven S.A., is constructing facilities which will increase refining capacity and allow for the processing of heavier, sour crudes. They are now requesting authority to process approximately 250,000 barrels of crude oil per day under zone procedures. This proposal does not request any new manufacturing authority under FTZ procedures in terms of inputs or products, but it does involve a proposed increase in Conoco's level of production under zone procedures. Approximately 72 percent of the crude oil will be sourced from abroad.

Zone procedures would exempt the new refinery facilities from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates for certain petrochemical feedstocks (duty-free) by admitting foreign crude oil in non-privileged foreign status. The duty rates on crude oil range from 5.25 cents/barrel to 10.5 cents/barrel. The application indicates that the additional savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed 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 June 18, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 2, 2001.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, One Canal Place, 365 Canal Street, Suite 1170, New Orleans, LA 70130

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 9, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–9637 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1154]

Approval for Expansion of Subzone 93C, Merck & Company, Inc., Plant (Pharmaceuticals), Wilson County, NC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Triangle J Council of Governments, grantee of FTZ 93, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 93C at the Merck plant in Wilson County, North Carolina (FTZ Docket 61–2000, filed 11/17/2000);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 71297, 11/30/00);

Whereas, pursuant to Section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 93C on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 5th day of April, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9639 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1153]

Approval for Expansion of Subzone 35B, Merck & Company, Inc., Plant (Pharmaceuticals), West Point, PA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Philadelphia Regional Port Authority, grantee of FTZ 35, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 35B at the Merck plant in West Point, Pennsylvania (FTZ Docket 60–2000, filed 11/17/2000);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 71298, 11/30/00);

Whereas, pursuant to Section 400.32(b)(1) of the FTZ Board

regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 35B on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 5th day of April, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9638 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1156]

Approval for Expansion of Subzone 185C, Merck & Company, Inc., Plant (Pharmaceuticals), Elkton, VA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Culpeper County Chamber of Commerce, grantee of FTZ 185, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 185C at the Merck plant in Elkton, Virginia (FTZ Docket 63–2000, filed 11/17/2000);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 71299, 11/30/00);

Whereas, pursuant to Section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 185C on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 5th day of April, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9641 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–825, A–533–810, A–588–833, A–469–805]

Continuation of Antidumping Duty Orders: Stainless Steel Bar From Brazil, India, Japan, and Spain

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

ACTION: Notice of continuation of antidumping duty orders: stainless steel bar from Brazil, India, Japan, and Spain.

SUMMARY: On May 4, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 (c) of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain is likely to lead to continuation or recurrence of dumping (65 FR 25909). On April 4, 2001, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain is likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (66 FR 17927). Therefore, pursuant to 751(d)(2) of the Act and 19 CFR 351.218(e)(4), the Department is publishing notice of the continuation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain.

EFFECTIVE DATE: April 18, 2001.

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

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1999, the Department initiated (64 FR 73510), and the Commission instituted (64 FR 73579), sunset reviews of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain, pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the orders to be revoked. *See Stainless Steel Bar From Brazil, India, Japan, and Spain; Final Results of Antidumping Duty Expedited Sunset Reviews,* 65 FR 25909 (May 4, 2000).

On April 4, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Stainless Steel Bar From Brazil, India, Japan, and Spain,* 66 FR 17927 (April 4, 2001) and USITC Publication 3404 (March 2001), Investigation Nos. 731–TA–678–679 and 681–682 (Review).

Scope of the Orders

Imports covered by these orders are shipments of Stainless Steel Bar (''SSB''), specifically articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSB's that are turned or ground in straight lengths, whether produced from hot-rolled bar or from

straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (i.e., cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.,* cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to these reviews are currently classifiable under subheadings 7222.10.00.05, 7222.10.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these orders is dispositive.

With respect to the order on the subject imports from Japan the Department has made two scope rulings. The following products were determined to be within the scope of the order:

Product within scope	Company	Citation
Keystone 2000	Keystone Stainless Inc	63 FR 6722 (February 10, 1998).
M35FL steel bar	Tohoku Steel Co	64 FR 50273 (September 16, 1999).

Determination

As a result of the determination by the Department and the Commission that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than March 2006.

Richard W. Moreland is temporarily fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 11, 2001.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–9635 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Argonne National Laboratory; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket Number: 00–042. *Applicant:* Argonne National Laboratory, Argonne, IL 60439–4874. *Instrument:* Track Mounted Cone Penetrometer Vehicle and Associated Equipment, Model COSON 200. *Manufacturer:* A. P. Van Den Berg, Inc., The Netherlands. *Intended Use:* See notice at 66 FR 7626, January 24, 2001.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument is a track mounted vehicle capable of driving probes with electronically and seismically sensitive cones into the soil over large areas for geotechnical surveys. The U.S. Department of Agriculture advised March 20, 2001 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Gerald A. Zerdy,

Program Manager, Statutory Import Program Staff.

[FR Doc. 01–9636 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend Certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, *oetca@ita.doc.gov* or (202) 482–5131. This is not a toll-free number. In addition, the Office's website may be consulted at *http://www.ita.doc.gov/oetca.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001 *et seq.*) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302 (b) (1) of the Export Trading Company Act of 1982 and 15 CFR 325.6 (a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a non-confidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business

information will be deemed to be non-confidential. An original and five copies, plus two copies of the non-confidential version, should be submitted by mail to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington D.C. 20230; or by E-mail to oetca@ita.doc.gov no later than 20 days after the date of this notice. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, non-confidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 85–9A018.''

The United States Shippers' Association (''USSA'') original Certificate was issued on June 3, 1986 (51 FR 20873, June 9, 1986), and last amended on May 28, 1999 (64 FR 29994, June 4, 1999). A summary of the application for an amendment follows.

Summary of the Application

Applicant: The United States Shippers' Association (''USSA''), 1209 Orange Street, Wilmington, Delaware 19801.

Contact: Karin Kizer, Legal Counsel, Telephone: (202) 662–6000.

Application No.: 85–9A018.

Date Deemed Submitted: April 3, 2001.

Proposed Amendment: USSA seeks to amend its Certificate to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of section 325.2 (1) of the Regulations (15 C.F.R. 325.2 (1)): Basell USA Inc., Wilmington, DE (Controlling Entity: Basell NV., Hoofddorp, The Netherlands); Resolution Performance Products LLC, Houston, TX; (Controlling Entity: Apollo Management LP, New York, NY); KRATON Polymers U.S. LLC (Controlling Entity: R.K. Polymers LLC, New York, NY); Aventis Crop Science, USA LP (Controlling Entity: Aventis Crop Science Holding SA, Lyon, France);

2. Change the listing of current member Rhodia, Inc., Cranberry, NJ (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France) to Rhodia, Inc., Cranberry, NJ (Controlling Entity: Rhodia, S.A., Boulonge-Billancourt, France);

3. Delete the following members: ANGUS Chemical Company, Buffalo Grove, IL (Controlling Entity: Alberta Natural Gas, Alberta, Canada); Nova Chemicals Inc., Monaca, PA; Rhone-Poulenc AG Company, Research Triangle Park, NC (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France); and Rhone-Poulenc Animal Nutrition, Atlanta, GA (Controlling Entity: Rhone-Poulenc, S.A., Courbevoie, France);

4. Add the following to the ''*Definitions*'' section of the Certificate: ''Consultant'' means any individual, corporation, partnership, limited liability company retained by USSA to act on USSA's behalf in administrative, negotiating and coordinating activities authorized by the Certificate;'' and

5. Add the term ''Consultants'' to those listed in the ''*Protection Provided by the Certificate*'' section of the Certificate.

Dated: April 12, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–9612 Filed 4–17–01; 8:45 am]

BILLING CODE 3510–DR–U

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Announcement of System of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Amendment of system of records.

SUMMARY: The Consumer Product Safety Commission is amending its system of records ''CPSC–15, Employee Relations Files'' by revising the record retention section.

DATES: The changes will become effective June 18, 2001 unless comments are received which justify a contrary determination.

Comments must be received on or before June 18, 2001.

ADDRESSES: Comments should be sent to the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207. Telephone: (301) 504–0980.

SUPPLEMENTARY INFORMATION: This system of records currently covers both records concerning disciplinary actions, grievances and the like, as well as retirement records. We are changing the retention period for retirement records to make it clear that CPSC will keep only copies of the records for two years after the employee retires and send the originals to the Office of Personnel Management. We are also changing the retention period for the disciplinary records to seven years after a case is closed to be consistent with the National Archives and Records Administration's General Records Schedule 1, section 30, ''Administrative Grievance, Disciplinary, and Adverse Action Files''.

Amend the retention section of CPSC–15 to read as follows:

CPSC–15, Employee Relations Files

RETENTION

(1) For documents relating to disciplinary actions, complaints, grievances, and potential adverse actions, destroy 7 years after case is closed.

(2) For retirement records, transfer the records to the Office of Personnel Managment after the employee retires, and retain copies for two years.

* * * * *

Dated: April 12, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01–9514 Filed 4–17–01; 8:45 am]

BILLING CODE 6355–01–U

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 and OMB Number: Customer Satisfaction Surveys—Generic; OMB Number 0730–0003.

Type of Request: Revision.

Number of Respondents: 15,000.

Responses Per Respondent: 1.

Annual Responses: 15,000.

Average Burden Per Response: 8 minutes.

Annual Burden Hours: 2,000.

Needs and Uses: The information collection requirement is necessary to determine the kind and quality of services that customers of the Defense Finance and Accounting Service (DFAS) want and expect, as well as their satisfaction with existing services. DFAS will conduct a variety of activities to include, but not necessarily limited to customer satisfaction surveys, transaction based telephone interviews,

Interactive Voice Response Systems telephonic surveys, etc. The information collected provides information about customer perceptions and can help identify agency operations that need quality improvement, provide early detection of process or systems problems, and focus attention on areas where customer service and functional training or changes in existing operations will improve service delivery.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions; State, Local or Tribal Government.

Frequency: On Occasion.

Respondents's Obligation: Voluntary.

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 request 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: April 11, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9540 Filed 4–17–01; 8:45 am]

BILLING CODE 50001–10–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 and OMB Number: Survey of Prescribers in Military Treatment Facilities and TRICARE Contracts; OMB Number 0720–[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 900.

Responses Per Respondent: 1.

Annual Responses: 900.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 300.

Needs and Uses: A confidential survey will be completed at two points in time, before and after the implementation of the new uniform formulary program by the Department of Defense, by prescribers working for Military Treatment Facilities (MTFs) and TRICARE contractors. The two surveys will collect information to be used to assess their experiences prescribing formulary and non-formulary medications. This information will inform future implementation and enforcement of the uniform formulary system within the Military Health System as mandated by Congress.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Stuart Shapiro.

Written comments and recommendations on the proposed information collection should be sent to Mr. Shapiro at the Office of Management and Budget, Desk Officer for DoD Health Affairs, Room 10235, 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: April 11, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9541 Filed 4–17–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting 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 June 18, 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 Acting 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 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: April 12, 2001.

Joseph Schubart,

Acting Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New.

Title: Information Technology (IT) External Certification Program.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit; Individuals or household; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 300; Burden Hours: 70.

Abstract: Case studies of selected high school and community college IT programs offer some basic information about IT certification classes, a growing program at both levels. The case study encompasses three data collection components: (1) a survey of students from 10 high schools and 10 community colleges who completed an IT skill certification class in school year 1999–00, (2) site visits to half of these high

schools and colleges, and (3) telephone interview with selected staff from the remaining schools.

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 20202–4651. 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 Jacqueline Montague at (202) 708–5359 or via her internet address *Jackie.Montague@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. 01–9550 Filed 4–17–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 18, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

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 Acting 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 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.

Dated: April 12, 2001.

Joseph Schubart,

Acting Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Extension.

Title: Standards for Evaluation of the Performance of OERI Grants, Cooperative Agreements, and Contracts.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 1.

Abstract: Pub. L. 103–227 reauthorized the Office of Educational Research and Improvement (OERI) and required the Assistant Secretary to establish standards for evaluating the performance of recipients of OERI grants, cooperative agreements, and contracts (20 U.S.D. 6011 (I) (2) (B) (ii)).

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 20202–4651. 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 Kathy Axt at her internet address *Kathy.Axt@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. 01–9549 Filed 4–17–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–200–A]

Application To Export Electric Energy; American Electric Power Services Corp.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: American Electric Power Service Corporation (AEPSC) has applied, on behalf of its public utility affiliates, for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 18, 2001.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: On April 6, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–200 authorizing five of the AEPSC public utility affiliates to transmit electric energy from the United States to Canada. The entities authorized to export included Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, and Ohio Power Company. These companies were authorized to deliver the exported energy to Canada using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric

Transmission Company. That two-year authorization expired on April 6, 2001.

On March 23, 2001, AEPSC, on behalf of nine of its public utility affiliates, filed an application with FE for renewal of the export authority contained in Order No. EA–200 for a term of five years and added four more of its public utility affiliates to the list of companies for which export authority is requested. The public utility affiliates for which AEPSC has applied for export authority include: Appalachian Power Company; Columbus Southern Power Company; Indiana Michigan Power Company; Kentucky Power Company; Ohio Power Company; Central Power & Light Company; Public Service Company of Oklahoma; Southwestern Electric Power Company; and West Texas Utilities Company (collectively, the ''AEP Operating Companies'' or the ''Applicants'').

The electric energy which the applicants propose to export to Canada would come from either the surplus generation of the applicants or from purchases on the wholesale market.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the AEPSC request to export to Canada should be clearly marked with Docket EA–200-A. Additional copies are to be filed directly with, F. Mitchell Dutton, Esq., American Electric Power Service Corporation, 1 Riverside Plaza, 15th Floor, Columbus, Ohio 43215–2373 and John R. Lilyestrom, Esq., Hogan & Hartson, LLP, 555 13th Street, NW, Washington, DC 20004.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA–200. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–200 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home Page, select ''Electricity,'' from the Regulatory Info menu, and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on April 11, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–9579 Filed 4–17–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–236]

Application to Export Electric Energy; American Electric Power Service Corporation

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: American Electric Power Service Corporation (AEPSC), on behalf of its public utility operating companies, has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 18, 2001.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On April 5, 2001, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from AEPSC to transmit electric energy from the United States to Mexico. This application was filed by AEPSC on behalf of its public utility affiliates, namely: Appalachian Power Company; Central Power & Light Company; Columbus Southern Power Company; Indiana Michigan Power Company; Kentucky Power Company; Ohio Power Company; Public Service Company of Oklahoma; Southwestern Electric Power Company; and West Texas Utilities Company (collectively, the ''AEP Operating Companies'' or the ''Applicants''). AEPSC is incorporated under the laws of the State of New York and has its principal place of business in Columbus, Ohio. The electric energy which the applicants propose to export to Mexico would be from either surplus generation of the AEP Operating Companies or from purchases on the wholesale market.

The applicants propose to arrange for the delivery of electric energy to Mexico over the international transmission facilities owned by San Diego Gas & Electric Company, El Paso Electric Company, Central Power and Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico. The construction of each of the international transmission facilities to be utilized by the applicants, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the AEPSC application to export electric energy to Mexico should be clearly marked with Docket EA–236. Additional copies are to be filed directly with F. Mitchell Dutton, Esq. American Electric Power Service Corporation, 1 Riverside Plaza, 15th Floor, Columbus, Ohio 43215–2373 and John R. Lilyestrom, Esq., Hogan & Hartson, LLP, 555 13th Street, NW, Washington, DC 20004.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then

''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on April 11, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–9580 Filed 4–17–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Rocky Flats Field Office; Notice of Intent to Solicit Competitive Applications/Proposals for Financial Assistance

AGENCY: Rocky Flats Field Office, DOE.

ACTION: Notice of intent to solicit competitive applications/proposals for financial assistance.

SUMMARY: The Rocky Flats Field Office (RFFO) of the Department of Energy is entrusted to contribute to the welfare of the nation by providing the scientific foundation, technology, policy and institutional leadership necessary to achieve efficiency in energy use, diversity in energy sources, a more productive and competitive economy, improved environmental quality, and a secure national defense. RFFO intends to fund a series of grants in special emphasis programs to encourage programs to train Native American, African American, Hispanic American, Asian-Pacific American, Women and Disabled Students to pursue training in the fields of sciences and engineering; and to fund local community projects contributing to diversity-related programs.

DATES: Applications may be submitted at any time on or before May 18, 2001. Applications received after that date may or may not be considered depending on the status of proposal review and selection.

ADDRESSES: Department of Energy, Rocky Flats Field Office, Contracts Management Division, 10808 Highway 93, Unit A, Golden, Colorado 80403–8200.

FOR FURTHER INFORMATION CONTACT: Elaine Nix, Department of Energy Rocky Flats Field Office, 10808 Highway 93, Unit A, Golden, Colorado 80403–8200, (303) 966–2054, for application forms and additional information. Completed applications or proposals must be sent to the addresses heading.

SUPPLEMENTARY INFORMATION: DOE RFFO is under no obligation to pay for any costs associated with the preparation or submission of applications/proposals if an award is not made. If an award is made, such costs may be allowable as provided in the applicable cost principles.

Availability of Fiscal Year 2001 Funds: With this publication; DOE RFFO is announcing the availability of up to $300,000 in grant funds for fiscal year 2001. RFFO anticipates that four or less grants will be made for a total not-to-exceed $300,000. The awards will be made through a competitive process. Projects may cover a period of up to 5 years. Funding for out-years is dependent on appropriation from Congress. Length of awards may vary by applicant.

Restricted Eligibility: Eligible applicants for the purposes of funding under this notice include organizations and institutions residing in Colorado proposing to implement minority science and engineering projects in Colorado as described in the summary section of this announcement. Applicants are encouraged to propose project cost-sharing or sharing of in-kind services or resources. The awards will be made through a competitive process to organizations and institutions located in the State of Colorado. The Catalog of Federal Domestic Assistance number assigned to this program is 81.116.

Evaluation Criteria: All responsive Applications will be reviewed by a panel composed of Department of Energy RFFO representatives. Successful proposal(s) will be selected on the opinion of panel members of proposals most able to meet the objectives best able to meet the needs of this office.

Proposals must demonstrate and will be evaluated based on the following criteria:

1. Implementation plan demonstrates experience, qualifications, capabilities, and resources necessary to successfully accomplish the proposed activities. (25%)

2. Exhibits sound administrative and financial management practices. (25%) Ability and willingness to perform all administrative requirements of the grant. The relationship between direct and indirect costs, and other financial aspects of the proposed grant, demonstrates sound financial practices. Cost effectiveness of projects.

3. Relationship of the proposed project to the objectives of the solicitation. (25%)

4. Qualifications of key personnel. (10%) Adequacy of availability and level of expertise of proposed personnel resources. Level of expertise of key personnel as demonstrated in resumes containing relevant education, training, and experience (resumes should include relevant project work previously conducted by individuals of the team).

5. Successful past performance of similar projects. (15%) Proposals lacking records of relevant past performance will receive a neutral score.

DOE RFFO hereby reserves the right to fund, in part or whole, any, all, or none of the proposals submitted in response to this request. All applicants will be notified in writing of the action taken on their applications. Applicants should allow approximately 90 days for DOE evaluation. The status of any application during the evaluation and selection process will not be discussed with applicants. Unsuccessful applications will not be returned to the applicant.

Issued in Golden, Colorado, on March 29, 2001.

Hugh G. Miller,

Contracting Officer.

[FR Doc. 01–9578 Filed 4–17–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 01–52, C&E 01–53, C&E 01–54, C&E 01–55, C&E 01–56, C&E 01–57, and C&E 01–58 Certification Notice—198]

Office of Fossil Energy; Notice of Filings of Coal Capability of GenPower Earley LLC, et al.; Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: GenPower Earley LLC, Oglethorpe Power Corporation, Columbia Energy LLC, GenPower Anderson LLC, Attala Generating Company, LLC, Harquahala Generating Company, LLC, and CPV Gulfcoast, Ltd. submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may

be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

Owner: GenPower Earleys, LLC (C&E 01–52).
Operator: General Electric International, Inc.
Location: Hertford County, North Carolina.
Plant Configuration: Combined-cycle.
Capacity: 640 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale power market.
In-Service Date: October, 2003.

Owner: Oglethorpe Power Corporation (C&E 01–53).
Operator: Oglethorpe Power Corporation.
Location: Franklin, Georgia.
Plant Configuration: Combined-cycle.
Capacity: 520 MW.
Fuel: Natural gas.
Purchasing Entities: Oglethorpe Power Corporation's Electric Membership.
In-Service Date: March 1, 2003.

Owner: Columbia Energy LLC (C&E 01–54).
Operator: Calpine Eastern Inc.
Location: Calhoun County, South Carolina.
Plant Configuration: Combined-cycle.
Capacity: 600 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale electric market.
In-Service Date: June 1, 2003.

Owner: GenPower Andrson, LLC (C&E 01–55).
Operator: General Electric International, Inc.
Location: Anderson, South Carolina.
Plant Configuration: Combined-cycle.
Capacity: 640 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale power market.
In-Service Date: December, 2002.

Owner: Attala Generating Company, LLC (C&E 01–56).
Operator: Attala Generating Company, LLC.
Location: Attala County, Mississippi.
Plant Configuration: Combined-cycle.
Capacity: 500 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale power market.
In-Service Date: 2001.

Owner: Harquahala Generating Company, LLC (C&E 01–57).
Operator: Harquahala Generating Company, LLC.
Location: Maricopah County, Arizona.
Plant Configuration: Combined-cycle.
Capacity: 1050 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale power market.
In-Service Date: 2003.

Owner: CPV Gulfcoast, Ltd. (C&E 01–58).
Operator: CPV Gulfcoast, Ltd.
Location: Manatee County, Florida.
Plant Configuration: Combined-cycle.
Capacity: 250 MW.
Fuel: Natural gas.
Purchasing Entities: Florida wholesale power market.
In-Service Date: June 2003.

Issued in Washington, DC., April 12, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–9609 Filed 4–17–01; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–601–002]

Dominion Transmission, Inc.; Notice of Compliance Filing

April 12, 2001.

Take notice that on April 9, 2001, Dominion Transmission Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheet, with a proposed effective date of April 1, 2001:

Substitute First Revised Sheet No. 1500

DTI states that this filing complies with the Commission's March 28, 2001 letter order, which directed DTI to revise its imbalance netting and trading tariff language to require DTI to return to one operational area if conditions permit by changing ''may'' to ''shall''.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9554 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–143–000]

Natural Gas Pipeline Company of America; Notice of Request Under Blanket Authorization

April 12, 2001.

Take notice that on April 5, 2001, Natural Gas Pipeline Company of America (Natural), 747 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP01–143–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations (18 CFR 157.205 and 157.211) under the Natural Gas Act (NGA) for authorization to construct and operate delivery point facilities for service to an end-user in Adair County, Iowa, under Natural's blanket certificate issued in Docket No. CP82–402–000, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/

online/htm (call 202–208–2222 for assistance).

Natural requests authorization to construct and operate delivery point facilities, consisting of a 6-inch tap and 6-inch meter, to serve Central Iowa Power Cooperative (CIPCO), which requires the gas for its power plant in Union County, Iowa. It is stated that Natural will use the facilities to transport up to 28,992 MMBtu equivalent of natural gas per day on a firm basis pursuant to Section 284.223 of the Commission's regulations. Natural estimates the cost of the facilities at $310,000. Natural states that Cipco will construct a 4.6 mile lateral to connect Natural's facilities to its power plant. It is explained that the power plant currently receives gas service from IES Utilities Inc., a local distribution company. It is asserted that Natural has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers. It is further asserted that the proposal will have so significant impact on Natural's peak day and annual deliveries.

Any questions regarding the application may be directed to James J. McElligott, Vice President, at (630) 691–3525, Natural Gas Pipeline Company of America, 747 East 22nd Street, Lombard, Illinois 60148.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA. Comments, protests and interventions may be filed electronically in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at http://ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9556 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–373–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 12, 2001.

Take notice that on April 9, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective May 9, 2001:

Second Revised Sheet Number 269
Second Revised Sheet Number 270
First Revised Sheet Number 271
Third Revised Sheet Number 272

Northern Border states the purpose of this filing is to revise section 26 of the General Terms and Conditions of Northern Border's FERC Gas Tariff. Specifically, Northern Border proposes to separate the posting requirements between planned and available capacity in order to provide for three different posting periods dependent on the term of service for available capacity, provide for the selection of a method to determine Best Bid among the three methods permitted currently for capacity releases, and limit contingent bids to those bids for service greater than one year.

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9553 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–110–000]

Northern Natural Gas Company; Notice of Application

April 12, 2001.

Take notice that on March 20, 2001, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP01–110–000 an application pursuant to Section7(b) of the Natural Gas Act for permission and approval to abandon service to Midwestern Gas Transmission Company (Midwestern Gas), which service was rendered under Northern's Rate Schedule X–3 of its FERC Gas Tariff, Original Volume No. 2, all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/htm* (call 202–209–2222 for assistance).

Northern proposes to abandon service to Midwestern Gas under Rate Schedule X–3. Northern indicates that the underlying contact for the service has expired pursuant to the terms of the agreement. Consequently, Northern proposes to abandon the service and remove Rate Schedule X–3 from its FERC Gas Tariff, Original Volume No. 2. Northern asserts that no facilities will be abandoned as a result of the proposed abandonment of service.

Any person desiring to be heard or make any protest with reference to said application should on or before May 3, 2001, file with the Commission 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (19 CFR sections 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR section 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceedings.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition in accordance with the Commission's Rules. Comments, protests and interventions 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.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest or motion to intervene is filed within the time required herein. At that time, the Commission, on its own review of the matter, will determine whether granting the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–9559 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–040]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

April 12, 2001.

Take notice that on April 6, 2001, Columbia Gas Transmission Corporation (Columbia) filed to report on the sharing with its customers of a portion of the profits from the sale of certain base gas as provided in Columbia's Docket No. RP95–408 rate case settlement. See Stipulation II, Article IV, Section A through E, in Docket No. RP95–408 approved at Columbia Gas Transmission Corp., 79 FERC 61,044 (1997). Sales of base gave have generated additional profits of $17,303,581 (above a $41.5 million threshold) requiring a sharing of 50 percent of the excess profits with customers in accordance with Stipulation II, Article IV, Section C. Consequently, $8,723,264, inclusive of interest, has been allocated to affected customers and credited to their March invoices, which credits remain subject to Commission acceptance of this filing.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers and affected 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 on or before April 19, 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9557 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP–00–426–002]

Texas Gas Transmission Corporation; Notice of Compliance Filing

April 12, 2001.

Take notice that on April 6, 2001, Texas Gas Transmission Corporation (Texas Gas) tendered for filing copies of the executed service agreements that contain a negotiated rate under Rate Schedule SNS applicable to the agreements between Texas Gas and Worthington Generation, L.L.C.

Texas Gas states that the purpose of the instant filing is to comply with filing requirements specified in the orders granting Texas Gas's negotiated rate authority and the Commission's Policy Statement. The effective date of these negotiated rate transactions is April 1, 2001. The enclosed service agreement between Texas Gas and Worthington relate to the negotiated rate transactions under Rate Schedule SNS applicable to the transportation of gas for Worthington. In compliance with the Commission's orders and Section 38.5 of Texas Gas's General Terms and Conditions (GT&C), the negotiated rate agreement is being filed with the Commission.

Texas Gas states that the agreement discloses the Customer name, the negotiated volumetric rate, the applicable receipt and delivery points, the quantity of gas to be transported, the applicable Rate Schedule for service, and the contract term. In compliance with the Commission's orders and Texas Gas's, the enclosed service agreements disclose the name of the customer, the actual negotiated rate and term, the receipt and delivery points, the quantity of gas to be transported and the applicable rate schedule for the service.

Texas Gas states that copies of the filing are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 19, 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9555 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–183–000, et al.]

Altofer, Inc., et al. Electric Rate and Corporate Regulation Filings

April 11, 2001.

Take notice that the following filings have been made with the Commission:

1. Altorfer, Inc.

[Docket No. EG01–183–000]

Take notice that on April 9, 2001, Altorfer, Inc., with its principal office located in Cedar Rapids, Iowa, filed with the Federal Energy Regulatory Commission an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's regulations.

Pursuant to an Agreement entered into by Altorfer and Central Illinois Light Company (CILCO), Altorfer will build and own an approximately 25 MW (net) diesel-fueled generation facility in Tazewell County, Illinois (Facility).

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. AES Ironwood, L.L.C.

[Docket No. ER01–1315–001]

Take notice that on April 6, 2001, AES Ironwood, L.L.C. tendered for filing amended and supplemented its Petition for Order Accepting Market-Based Rate Tariff and Waiver and Blanket Approvals, Docket No. ER01–1315–000.

Copies of this filing are on file with the Commission and are available for public inspection.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Central Maine Power Company

[Docket No. ER01–1742–000]

Please take notice that on April 6, 2001, Central Maine Power Company (CMP) tendered for filing a Local Network Operating Agreement (LNOA) and a service agreement for Local Network Transmission Service (LNTS) entered into with Midwest Price Company, LLC.

Service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP–FERC Electric Tariff, Fifth Revised Volume No. 3, Service Agreement Numbers 121 (LNOA) and 122 (LNTS).

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Xcel Energy Services Inc.

[Docket No. ER01–1743–000]

Take notice that on April 6, 2001, Xcel Energy Services Inc. (XES), on behalf of Northern States Power Companies (NSP) tendered for filing a Short-Term Market-Based Electric Service Agreement between NSP and Navitas Energy.

XES requests that this Short-Term Market-Based Electric Service Agreement be made effective on March 30, 2001.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Gas and Electric Company

[Docket No. ER01–1744–000]

Take notice that on April 6, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing a change in rate under its Reliability Must-Run Service Agreement (RMR Agreement) with the California Independent System Operator Corporation (ISO) for Hunters Point Power Plant (Hunters Point), PG&E Rate Schedule FERC No. 209. The rate change is a one-time charge to recover part of the costs PG&E incurred to repair Unit 4 at Hunters Point and restore it to regular operation after a forced outage in 1999. This charge is authorized under the RMR Agreement and was approved in advance by the ISO.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER01–1746–000]

Take notice that on April 6, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a

Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Mississippi Delta Energy Agency.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1747–000]

Take notice that on April 6, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Service Agreement Nos. 349 and 350 to add Energy USA–TPC Corp. to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000. The proposed effective date under the Service Agreements is April 5, 2001 or a date ordered by the Commission.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Commonwealth Edison Company

[Docket No. ER01–1749–000]

Take notice that on April 6, 2001, Commonwealth Edison Company (ComEd) tendered for filing an Interconnection Agreement with Chicago Heights Energy Partners LLC (CHEP). ComEd requests an effective date of April 7, 2001 and accordingly seeks waiver of the Commission's notice requirements.

Copies of the filing were served on CHEP and the Illinois Commerce Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Commonwealth Edison Company

[Docket No. ER01–1750–000]

Take notice that on April 6, 2001, Commonwealth Edison Company (ComEd) tendered for filing an Interconnection Agreement with Duke Energy Kankakee LLC (DEK). ComEd requests an effective date of April 7, 2001 and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served on DEK and the Illinois Commerce Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Delmarva Power & Light Company

[Docket No. ER01–1751–000]

Take notice that on April 6, 2001, Delmarva Power & Light Company (Delmarva) tendered for filing an Interconnection Agreement between Delmarva and Conectiv Delmarva Generation, Inc. (CDG). The Interconnection Agreement provides for the interconnection of facilities at the Hay Road generating station, which will be operated by CDG, with Delmarva facilities. Delmarva requests that the Interconnection Agreement become effective on April 9, 2001.

Copies of the filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Commonwealth Edison Company

[Docket No. ER01–1752–000]

Take notice that on April 6, 2001, Commonwealth Edison Company (ComEd) tendered for filing an Interconnection Agreement with Calumet Power LLC (Calumet). ComEd requests an effective date of April 7, 2001 and accordingly seeks waiver of the Commission's notice requirements.

Copies of the filing were served on Calumet and the Illinois Commerce Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER01–1754–000]

Take notice that on April 6, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing two executed umbrella service agreements between PJM and Orion Power Midwest for Firm and Non-Firm Point-to-Point Transmission Service.

PJM requests a waiver of the Commission's 60-day notice requirement to permit an effective date of March 7, 2001.

Copies of this filing were served upon Orion Power Midwest, and the state electric utility commissions within the PJM control area.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Constellation Power Source, Inc.

[Docket No. ER01–1755–000]

Take notice that on April 6, 2001, Constellation Power Source, Inc. (CPS) tendered for filing an Application For Acceptance of Market-Based Rate Schedule For Sales of Electricity and Capacity from Independent Power Producers to CPS, Waivers and Blanket Authority; and Notice of Succession.

Specifically, CPS seeks authority, on behalf of small independent power producers meeting certain specified criteria (IPPs), to permit IPPs to sell capacity and/or energy to CPS at market-based rates. In addition, pursuant to Section 205 of the FPA and 18 CFR 35.16, Constellation Power Source, LLC has filed a notice of succession with the Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. WEC Operating Companies

[Docket No. ER01–1756–000]

Take notice that on April 6, 2001, Wisconsin Energy Corporation Operating Companies (WEC Operating Companies) tendered for filing a revision to its Joint Ancillary Services Tariff (JAST). The revisions would allow eligible customers to purchase Schedule A Ancillary Services (Reactive Supply and Voltage Control from Generation Sources) directly from the WEC Operating Companies.

WEC Operating Companies requests an effective date of April 1, 2001. Copies of the filing have been served on all eligible customers under the JAST, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. North Atlantic Energy Corporation

[Docket No. ER01–1757–000]

Take notice that on March 29, 2001, North Atlantic Energy Corporation (North Atlantic) tendered for filing First Revised Rate Schedules FERC Nos. 1 and 3 explaining that the State of New Hampshire, represented by the Office of Attorney General, needed to be consulted regarding the changes to the Revised Rate Schedules.

Comment date: April 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Sierra Southwest Electric Power Cooperative Services, Inc.

[Docket No. EL01–62–000]

Take notice that on April 11, 2001, Sierra Southwest Cooperative Services, Inc., tendered for filing a request for determination as to the non-jurisdictional status of certain of its activities.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Southwest Transmission Electric Power Cooperative, Inc.

[Docket No. NJ01–3–000]

Take notice that on April 11, 2001, Southwest Transmission Electric Power Cooperative, Inc., tendered for filing its open access transmission tariff and standards of conduct and/or request for waivers under Orders Nos. 888 and/or 889.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Sierra Southwest Cooperative Services, Inc.

[Docket No. ER01–1663–000]

Take notice that on April 11, 2001, Sierra Southwest Cooperative Services, Inc., tendered for filing a rate schedule for the wholesale sale of electric energy and capacity at market-based rates and a Resource Integration Agreement.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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, 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 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). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9551 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–141–000]

PG&E Gas Transmission, Northwest Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed PG&ENW 2002 Expansion Project and Request for Comments on Environmental Issues

April 12, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the PG&ENW 2002 Expansion Project involving construction and operation of facilities by PG&E Gas Transmission, Northwest Corporation (PG&ENW) in several counties in Idaho, Washington, and Oregon.[1] These facilities would consist of about 21 miles of 42-inch-diameter pipeline loop[2] and 97,500 horsepower (hp) of compression. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice PG&ENW provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

[1] PG&ENW's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] A pipeline ''loop'' is a segment of pipeline that is installed parallel to or in the vicinity of an existing pipeline and connected to it at both ends in order to increase the volume of gas that can be transported through the pipeline system.

Summary of the Proposed Project

PG&ENW wants to expand the capacity of its facilities in Idaho, Washington and Oregon to transport an additional 210,800 decatherms (Dth) per day of natural gas annual firm service, including an additional 20,380 Dth per day of winter-only service to two customers. PG&ENW seeks authority to construct and operate:

- About 21 miles of 42-inch-diameter pipeline loop within and adjacent to PG&ENW's existing permanent right-of-way at mileposts (MP) 87.6 through 108.3 in Kootenai County, Idaho and Spokane County, Oregon (Loop C). Loop C would be the third loop along PG&ENW's transmission system;
- Various piping, blowdown, and valving additions at Main Line Valve (MLV) 5–1; and one new pig receiver and blowdown additions at MLV 5–2;
- One new 19,500 hp gas turbine centrifugal compressor; three new buildings; and a replacement standby generator at Compressor Station 4 in Bonner County, Idaho;
- Two new pig launchers, and tie-in facilities of the proposed loop at Compressor Station 5 in Kootenai County, Idaho;
- One new 19,500 gas turbine centrifugal compressor; one new building; one new pig receiver; relocation of a gas cooler; and a replacement standby generator at Compressor Station 6 in Spokane County, Oregon;
- One new 19,500 hp gas turbine centrifugal compressor; one new building; additional gas cooling facilities; and one standby generator at Compressor Station 8 in Walla Walla County, Washington;
- One new 19,500 hp gas turbine centrifugal compressor; two new buildings; relocation of gas cooler; a replacement standby generator at Compressor Station 10 in Sherman County, Oregon; and
- One new 19,500 hp gas turbine centrifugal compressor; three new buildings; relocation of one building and gas cooler; additional gas cooling facilities; and a replacement standby generator at Compressor Station 12 in Deschutes County, Oregon.

The location of the project facilities is shown in appendix 1.[3]

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to page 5 of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

Land Requirements for Construction

PG&ENW states that it would not need to obtain additional permanent right-of-way for the proposed project, and no existing land uses would be converted to utility easement. Construction of the proposed pipeline loop facility would require about 152 acres of existing PG&ENW permanent easement, and about 77 acres of temporary construction right-of-way, including about 2.7 acres of temporary workspace at road and railroad crossings.

The construction and installation of above-ground facilities at the compressor stations would temporary disturb about 16 acres. All compressor stations, with the exception of Compressor Station 12, are located on lands owned and maintained by PG&ENW. Compressor Station 12 is located on the Deschutes National Forest, whose lands are managed by the U.S. Forest Service.

PG&ENW would use an additional 22 acres of land off the right-of-way for pipe storage and construction headquarters.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[4] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Land use

[4] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

- Cultural resources
- Air quality and noise
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by PG&ENW. This preliminary list of issues may be changed based on your comments and our analysis.

- About 17 residences are located within 50 feet of the construction right-of-way in the Copper Valley Ranch subdivision between MPs 97.0 and 97.2 in Kootenai County, Idaho;
- Outside of the Copper Valley Ranch subdivision, about eight more residences are located within 50 feet of the construction right-of-way, three of which are within 25 feet.
- The Deschutes National Forest staff is concerned with the potential for noxious weed infestations; and that construction activities could potentially affect nesting raptors at Compressor Station 12 in Deschutes County, Oregon.
- Effects of the increased compression on noise and air quality. Compressor Stations 4, 6 and 12 have nearby noise-sensitive areas within 0.5 mile.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA/EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative [locations/routes]), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 1, PJ–11.1.
- Reference Docket No. CP01–11–000.
- Mail your comments so that they will be received in Washington, DC on or before May 14, 2001.

Comments, protests and interventions may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).[5] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

[5] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–9558 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Soliciting Comments, Protests or Motions to Intervene

April 12, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* 2197–047.

c. *Date Filed:* March 27, 2001.

d. *Applicant:* Alcoa Power Generating Inc.

e. *Name of Project:* Yadkin Hydroelectric Project.

f. *Location:* The Yadkin Hydroelectric Project is on the Yadkin/Pee Dee River in Montgomery, Stanley, Davidson, Rowan, and Davie Counties, North Carolina. The Yadkin Project contains the following reservoirs: High Rock, Tuckertown, Narrows, and Falls. The project does not occupy and federal lands.

g. *Applicant Contact:* Mr. Gene Ellis, Alcoa Power Generating Inc., P.O. Box 576, Badin, NC 28009–0576; (704) 422–5606.

h. *FERC Contact:* Steve Hocking at (202) 219–2656 or e-mail address: *steve.hocking@ferc.fed.us.* Please note the Commission cannot accept comments and recommendations, terms

and conditions, motions to intervene and protests sent by e-mail; these documents must be filed as described below.

i. *Deadline for filing comments and recommendations; terms and conditions, motions to intervene and protests:* May 21, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Comments and recommendations, terms and conditions, motions to intervene 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 website at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of the Application:* Alcoa Power Generating, Inc. (Alcoa), licensee for the Yadkin Hydroelectric Project, filed a non-project use of project lands application. In its application, Alcoa proposes to grant a permit to KEJ Marketing Co., Inc., for the construction of the following facilities on High Rock Reservoir: a marina with 20 boat slips, two boat docks with ten slips each and, a boat ramp. Alcoa proposes to grant a second permit to The Springs Homeowners Association for the use and operation of the above facilities. The above facilities would not be open to the public; they would be for The Springs residents only.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at *http://www/ferc.fed/us/online/rims.htm.* Call (202) 208–2222 for assistance.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS, AND CONDITIONS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number (P–2197–047) of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–9560 Filed 4–17–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6968–1]

Notice of Scientific and Technological Achievement Awards Subcommittee—Closed Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An ad hoc Subcommittee of the EPA Science Advisory Board will meet at the U.S. Environmental Protection Agency (EPA), Washington, DC, on June 11–12, 2001. Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) EPA has determined that the meeting will be closed to the public. The purpose of the meeting is to recommend to the Assistant Administrator of the Office of Research and Development (ORD) the recipients of the Agency's 2000 Scientific and Technological Achievement Cash Awards. These awards are established to honor and recognize EPA employees who have made outstanding contributions in the advancement of science and technology through their research and development activities, as exhibited in publication of their results in peer reviewed journals. In making these recommendations, including the actual cash amount of each award, the Agency requires full and frank advice from the EPA Science Advisory Board. This advice will involve professional judgments on the relative merits of various employees and their respective work. Such personnel issues, where disclosure of information of a personal nature would constitute an unwarranted invasion of personal privacy, are protected from disclosure by section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6). In accordance with the provisions of the Federal Advisory Committee Act, minutes of the meeting will be kept for Agency and Congressional review.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Flaak, Team Leader, Committee Operations Staff, US EPA Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, D.C. 20460, telephone: (202) 564–4546 or e-mail at: flaak.robert@epa.gov.

Dated: April 11, 2001.

Christine Todd Whitman,

Administrator.

[FR Doc. 01–9595 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00716; FRL–6780–3]

State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Pesticide Operations and Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Issues Research and Evaluation Group (SFIREG) Working Committee on Pesticide Operations and Management (WC/POM) will hold a 2–day meeting, beginning on April 23, 2001 and ending April 24, 2001. This notice announces

the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, April 23, 2001 from 8:30 a.m. to 5 p.m. and Tuesday, April 24, 2001 from 8:30 a.m. to 12:00 noon.

ADDRESSES: This meeting will be held at the Holiday Inn Historic District, 125 Calhoun St., Charleston, SC 29401. The phone number is 843–805–7900.

Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00716 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843–1249; telephone number: (802) 472–6956; fax (802) 472–6957; e-mail address: aapco@plainfield.bypass.com

Georgia A. McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: mcduffie.georgia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to all parties interested in SFIREG's information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process are invited and encourage to attend the meetings and participate as appropriate. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

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

2. *In person.* The Agency has established an official record for this action under docket control number OPP–00716. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00716 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00716. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the

name, date, and **Federal Register** citation.

II. Tentative Agenda:

The following topics will be discussed at the 2–day meeting:

(e) Commerce-AAPCO/EPA ''Notification Document-AAPCO ''Surf Day'' Worker Protection Standard-Regional Assessments
Pesticide Field Date Base
Performance Measurements
Authorization Criteria (EPA Inspector Credentialing)
25(b) Registration/Distribution Issues
Mosquito Labeling Workgroup/Update
Recent ''Disinfectant'' Uses/USDA Recommendations
2(ee) Labeling Situation/Registrant-EPA-SLA Requirements
Supplemental Labeling Workgroup
Fumigation Risk Mitigation Initiative/Update (MOA, FMP Guidance)
Activity Based Reentry Periods
POM Working Committee Workgroups/Updates
EPA Update/Briefing-Office Pesticide Programs Up-date-Office Enforcement Compliance Assurance Up-date

List of Subjects

Environmental protection, Pesticides.

Dated: April 6, 2001.

Jay Ellenberger,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 01–9488 Filed 4–17–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1016; FRL–6777–4]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1016, must be received on or before May 18, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1016 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Suku Oonnithan, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 605–0368; e-mail address: oonnithan.suku@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

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

2. *In person.* The Agency has established an official record for this action under docket control number PF–1016. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1016 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters

and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1016. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 5, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Uniroyal Chemical Company

PP 0F6108

EPA has received a pesticide petition (PP 0F6108) from Uniroyal Chemical Company, Benson Road, Middlebury, CT 06749 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of bifenazate, hydrazine carboxylic acid, 2-(4-methoxy-[1,1-biphenyl]-3-yl)-1-methylethyl ester in or on the raw agricultural commodities (RACs) apple, wet pomace at 1.2 parts per million (ppm); cotton at 0.5 ppm; cotton, gin byproducts (gin trash) at 20 ppm; fruit, pome, group at 0.75 ppm; fruit, stone, group (except cherries) at 1.5 ppm; grape at 0.75 ppm; hop at 15 ppm; and strawberry at 1.5 ppm. As cotton processed commodities fed to animals may be transferred to milk and edible tissue of ruminants, tolerances are also proposed for meat at 0.02 ppm and milk at 0.01 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The nature of the residues of bifenazate in plants is adequately understood based on three crops; apples, cotton, and citrus. The major residue in all plant metabolism studies is bifenazate. A minor, but significant metabolite is the oxidation product of bifenazate, diazene D3598 [(4-methoxybiphenyl-3-yl)diazenecarboxylic acid isopropyl ester] which was found to inter-convert readily to and from bifenazate in the plant matrix during the analytical procedure. Thus, the proposed tolerance expression is for the parent compound, bifenazate only.

2. *Analytical method*. Uniroyal has developed analytical methodology for detecting and measuring residues of bifenazate in or on RACs. A significant metabolite, D3598 was found to inter-convert readily to and from bifenazate, the analytical method was designed to convert all residues of D3598 to the parent compound, bifenazate for analysis. The method utilizes reversed phase high performance liquid chromatography (HPLC) to separate the bifenazate from matrix derived interferences, and oxidative coulometric electro-chemical detection for the identification and quantification of this analyte. Using this method the limit of quantitation (LOQ) for bifenazate in cotton, grapes, pome fruit, stone fruit, and strawberries was 0.01 ppm. For hops the LOQ was 0.05 ppm. The limit of detection (LOD) for this method, which varies with matrix, is 0.005 ppm.

The analytical method for bifenazate and its major metabolite D3598 in animal samples was designed using the same principles invoked in the plant method, with minor modifications. However, in animal samples, a separate aliquot of the extract, was used to determine combined residues of A1530 (4-hydroxybiphenyl) and its sulfate in milk and meat samples (these metabolites appeared to be significant in goat metabolism studies). The extract was subjected to acid hydrolysis to convert the sulfate conjugate to A1530 (4-hydroxybiphenyl) before it was quantified by HPLC using fluorescence detectors.

3. *Magnitude of residues*. An extensive crop residue program has been conducted for bifenazate in all major growing regions of the United

States for the following crops: peaches and plums (representing stone fruits excluding cherries), apples and pears (representing pome fruits), strawberries, grapes, cotton, and hops. The results of these studies can be summarized as follows:

• For pome fruit, the maximum expected bifenazate residues from a single application at 0.5 lbs active ingredient/acre, are 0.58 ppm in apples and 0.30 ppm in pears harvested 7 days after application.

• The results of an apple processing study indicate that bifenazate residues do not concentrate in apple juice, but do concentrate in wet apple pomace with an average concentration factor (ACF) of 1.76x.

• At a single application rate of 0.5 lbs active ingredient/acre, the maximum expected bifenazate residues in stone fruit harvested 3 days after application are 1.45 ppm in peaches and 0.15 ppm in plums.

• The results of a plum processing study indicate that bifenazate does not concentrate in prunes.

• Following a single application to grapes at 0.5 lbs active ingredient/acre, the maximum bifenazate residues in fruit harvested 14 days after application is 0.62 ppm. The results of a grape processing study indicate that bifenazate residues do not concentrate in juice, but do concentrate in raisins with an ACF of 1.23x, a value well below the maximum theoretical concentration factor for this commodity.

• The maximum bifenazate residue in strawberries harvested 1 day following the last of two treatments at 0.5 lbs active ingredient/acre/treatment, with treatments separated by 21 days (annual plants) or 45 days (ever bearing plants) is 1.1 ppm.

• The maximum expected bifenazate residues in cottonseed and cotton gin trash from a single treatment at 0.75 lbs active ingredient/acre applied 60 days before harvest are 0.31 ppm and 18.4 ppm, respectively. Bifenazate residues do not concentrate in the hulls, meal, or oil from the processing of cottonseed.

• Following a single application to hop plants at a rate of 0.75 lbs active ingredient/acre, the maximum bifenazate residues in green hops harvested 14 days after application is 11 ppm.

These field trial data are adequate to support proposed tolerances of 1.5 ppm for stone fruit (excluding cherries), 0.75 ppm; for pome fruit, 1.2 ppm; for wet apple pomace, 0.75 ppm; for grapes and raisins, 1.5 ppm; for strawberries, 0.5 ppm; for cottonseed, 20 ppm; for cotton gin trash, and 20 ppm; for hops.

B. Toxicological Profile

1. *Acute toxicity*. Bifenazate technical has low acute oral, dermal, and inhalation toxicity in laboratory animals. The oral LD_{50} in the rat and mouse and the dermal LD_{50} in the rat were all >5,000 milligrams/kilograms (mg/kg). The inhalation LC_{50} in the rat was >4.4 milligrams/Liter (mg/L) for the technical product. In eye and dermal irritation studies, bifenazate technical was not an irritant to eyes or skin irritation and was not a skin sensitizer.

2. *Genotoxicity*. Bifenazate was evaluated and found to be negative in the Ames reverse mutation, mouse lymphoma, chinese hampster ovary (CHO) chromosome aberration and mouse micronucleus assays.

3. *Reproductive and developmental toxicity*—i. *Rabbit teratology study*. Bifenazate did not produce developmental toxicity in rabbits. Bifenazate technical was administered by oral gavage to pregnant New Zealand white rabbits at dosage levels of 10, 50, and 200 mg/kg/day. No test article related effects were seen at any dose level. The no observed adverse effect level (NOAEL) for maternal and developmental toxicity was greater than 200 mg/kg/day. A range-finding study conducted at dosage levels of 125, 250, 500, 750, and 1,000 mg/kg/day had previously demonstrated maternal mortality at dosage levels of 750 and 1,000 mg/kg/day and abortions at dosage levels of 250 mg/kg/day and greater.

ii. *Rat teratology study*. Bifenazate did not produce developmental toxicity in rats. Bifenazate Technical was administered by oral gavage to pregnant Sprague Dawley CD rats at dosage levels of 10, 100, and 500 mg/kg/day. A reduction in maternal body weight (bwt) gain was seen at dosage levels of 100 and 500 mg/kg/day. Clinical observations at 500 mg/kg/day included red material/staining on body surfaces, pale extremities and brown discharge. No developmental or teratogenic effects were observed at any dosage level. The NOAEL for maternal toxicity was 10 mg/kg/day and the NOAEL for developmental toxicity was greater than 500 mg/kg/day.

iii. *Rat reproduction study*. Bifenazate showed no effects on reproduction in a two-generation rat study. Bifenazate technical was fed to two-generations of male and female Sprague Dawley CD rats at dietary concentrations of 20, 80, and 200 ppm. At a dosage level of 200 ppm there was a reduction in body weight gain in F_0 males and females. Food consumption was unaffected. There was reduction in body weight gain in F_1 females at all dosage levels and in F_1 males at 80 and 200 ppm in the absence of effects on food consumption. Since the 20 ppm F_1 males did not have a significant reduction in body weight gain, this dosage level can be considered a NOAEL for systemic adult toxicity. The reduction in body weight gain in the F_1 females at 20 ppm would not be considered biologically significant because no effects were observed on reproductive parameters or in the F_2 litter. The reproductive and developmental NOAEL was >200 ppm (10 mg/kg/day).

4. *Subchronic toxicity*—i. *Rat feeding study*. Bifenazate technical was fed to male and female Sprague Dawley CD rats for 13 weeks at dietary concentrations of 40, 200, and 400 ppm. At dosage levels of 200 and 400 ppm there was a reduction in red blood cell count and hemoglobin. Food intake was reduced for 200 ppm females, and 200 and 400 ppm males. Histopathological effects were seen in the liver, spleen, and adrenal cortex in males and females at 200 and/or 400 ppm. The maximum tolerated dose (MTD) was exceeded in females at 200 ppm, and in males and females at 400 ppm. The NOAEL for subchronic toxicity in rats was 40 ppm (2 mg/kg/day).

ii. *Dog feeding study*. Bifenazate technical was fed to male and female Beagle dogs for 13 weeks at dietary concentrations of 40, 400, and 1,000 ppm. At dosage levels of 400 and 1,000 ppm, there was a reduction in red blood cell count, hemoglobin and hematocrit. Liver weights were increased at 400 and 1,000 ppm and centrilobular hepatocellular hypertrophy was seen in females at 400 ppm, and males and females at 1,000 ppm. The NOAEL for subchronic toxicity in dogs was 40 ppm (1 mg/kg/day).

iii. *Neurotoxicity*. No treatment-related effects were seen on neuro-behavior in a standard functional observation battery conducted at weeks 8 and 13 of the 13-week rat feeding study. No overt signs of anti-cholinergic activity, and no statistically significant effects of cholinesterase activity were found in rats in a 2-week feeding study at dose levels up to 400 ppm. Plasma, erythrocyte, and brain cholinesterase activity were evaluated in male and female rats fed bifenazate-treated diet at 0, 20, 200, or 400 ppm for 2 weeks. All animals survived until study termination and effects were only seen on body weight gain and food consumption. The NOAEL for cholinergic inhibition was greater than 400 ppm (20 mg/kg/day).

5. *Chronic toxicity*—i. *Dog chronic feeding study*. Bifenazate technical was fed to male and female Beagle dogs for 1-year at dietary concentrations of 40, 400, and 1,000 ppm. At dose levels of 400 and 1,000 ppm there was a reduction in food consumption in males and reduced body weight gain in males and females. There was a reduction in red blood cell count, hemoglobin and hematocrit and an increase in bilirubin at 400 and 1,000 ppm. Histopathological effects on bone marrow, kidney, and liver were also seen at these dose levels. The NOAEL for chronic toxicity in dogs was 40 ppm (1 mg/kg/day).

ii. *Rat chronic feeding/oncogenicity study*. Bifenazate was not oncogenic in rats in a 2-year chronic feeding study. Bifenazate technical was fed to male and female Sprague Dawley CD rats for 2 years at dietary concentrations of 20, 80, and 160 in females or 20, 80, and 200 ppm in males. Body weight gain was reduced in males and females at the high dosage levels. A reduction in red blood cell count and an increase in splenic pigment were seen in females at 160 ppm, while high dose males exhibited a reduction in total cholesterol and an increase in splenic pigment. At a dose level of 80 ppm there was a reduction in body weight gain, a decrease in red blood cell count and an increase in splenic pigment in females. There was no increase in tumor incidence in males or females as a result of bifenazate administration. The NOAEL for chronic toxicity in rats was 20 ppm (1 mg/kg/day).

iii. *Mouse oncogenicity study*. Bifenazate was not oncogenic in a mouse oncogenicity study. Bifenazate Technical was fed to male and female CD–1 mice for 18 months at dietary concentrations of 10, 100, and 175 ppm in females and 10, 100, and 225 ppm in males. Body weight gain was reduced in males and females at the high dose level. A reduction in red blood cell, total leukocyte and lymphocyte counts was seen in males at 225 ppm. There was no increase in tumor incidence in males or females as a result of bifenazate administration.

6. *Animal metabolism*—i. In rat, bifenazate ^{14}C-Phenyl hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl)-1-methylethyl ester was extensively metabolized when it was given orally in two dose levels: Low (10 mg/kg) and high (1,000 mg/kg). Although 2/3 of the dosed radioactivity was excreted in the feces, bifenazate depicted a good degree of absorption as indicated from the level of radioactivity in the bile. In the bile radioactivity study, about 70% of the C–14 was collected from the cannulated bile ducts of low dosed rats indicating an active level of absorption and enterohepatic circulation.

The major metabolites present in feces, urine and bile resulted from several well known metabolic reactions, including hydrazine oxidation to diazene (D3598), molecular scission with loss of the hydrazine carboxylic acid portion of the molecule to yield 4-methoxybiphenyl (D1989) followed by demethylation to form 4-hydroxybiphenyl (A1530). Metabolites resulted from aromatic hydroxylation, and conjugation with glucuronic acid or sulfate were also identified.

ii. *Pharmacokinetic parameters*. The maximum plasma concentration (C_{max}, calculated as ppm bifenazate equivalents) was reached much earlier following the low dose (5–6 h) than the high dose (18–24 h). Elimination half-lives ($t_{\frac{1}{2}}$) were marginally longer at the high dose (12–16 h) than at the low dose (12–13 h). There were no obvious and consistent sex differences in the pharmacokinetic parameters.

7. *Metabolite toxicology*. In a single dose oral toxicity limit test in rats, the oral LD_{50} of the diazene product of bifenazate (D3598) was estimated to be approximately 5,000 mg/kg. At 2 hours and at 7 days post-dosing, no effects were seen on erythrocyte cholinesterase inhibition (ChE) in male or female rats. In addition, no effect on plasma ChE was seen in males at these time points. An apparent inhibition of plasma cholinesterase was seen in females at 7 days only. Since this effect was seen only in plasma of females at one time point, it is most likely a pseudo cholinesterase effect without biological significance. In a dermal toxicity screen, the LD_{50} of the diazene was estimated to be >2,000 mg/kg.

Mutagenicity screens with the D3598 showed it to be weakly positive in the *Salmonella* plate incorporation assay (Ames) in TA98 with activation and negative in the L5178Y mouse lymphoma and mouse micronucleus assays.

8. *Endocrine disruption*. There are no known reported adverse reproductive or developmental effects in domestic animals or wildlife as a result of exposure to this chemical.

A standard battery of toxicity tests have been conducted on bifenazate. No effects were seen in the reproduction or teratology studies to indicate that bifenazate has an effect on the endocrine system. Bifenazate administration to rats for 90 days at dose levels of 200 and 400 ppm resulted in an increased incidence of vacuolation in the zona fasciculata of the adrenal cortex in male rats. No effect was seen at a dose level of 40 ppm (2 mg/kg/day). However, in the chronic rat feeding study, no effect was seen on the adrenal cortex in male rats fed 200 ppm for 1–year. Furthermore, fasting glucose levels were not reduced at any dose level in males or females in either study. The zona fasciculata is the site of cortisol production and cortisol is required for gluconogenesis during fasting. The finding that fasting glucose levels are not affected would suggest that adrenal cortex functionality is not impaired at any dose level by bifenazate.

C. Aggregate Exposure

Bifenazate is a new miticide proposed for uses on pome fruits, stone fruits, cotton, strawberries, grapes, and hops. Three WP 50% formulations of bifenazate are registered for control of mites in ornamental plants grown and/or maintained in containers, or in the ground, in greenhouses, and shade houses, nurseries, including christmas tree, and conifer plantations, landscapes, interiorscapes, residential areas, public, commercial, industrial institutional areas, recreational sites, such as campgrounds, golf courses, parks, and athletic fields, and rights of way and other easements.

1. *Dietary exposure*. Based on dietary, drinking water, and non-occupational exposure assessments, there is reasonable certainty of no harm to the U.S. population, any population subgroup, or infants and children from short-term or chronic exposure to bifenazate.

i. *Food*. Dietary exposure was estimated using DEEMs™, field trial residue data and anticipated percent crop treated. The acute 99.9th percentile dietary exposure to the population subgroup females 13–50 years old was estimated as 0.002413 mg/kg bwt/day, with a margin of exposure (MOE) of 82,874. The exposure to the U.S. population (total) was 0.003247 mg/kg bwt/day (MOE 61,596), and for infants and children was 0.008480 mg/kg bwt/day (MOE 23584) and 0.006751 mg/kg bwt/day (MOE 29,625), respectively. The chronic dietary exposure to the U.S. population (total) was estimated as 0.000038 mg/kg bwt/day, and was 0.4% of the reference (RfD). Exposure to non-nursing infants, the highest exposed population subgroup, was 0.000132 mg/kg bwt/day (1.3% of the RfD), and exposure to children was 0.000104 mg/kg bwt/day (1.0% of the RfD). Dietary exposure from bifenazate is well within EPA's standard acceptable MOEs and RfDs.

ii. *Drinking water*. Exposure to bifenazate in drinking water is not anticipated, and is, in fact, unlikely to

occur. Bifenazate is not expected to contaminate ground water. Bifenazate degrades rapidly in water and soil, and is immobile in soil. There is no established maximum contaminant level for residues of bifenazate in drinking water, and no health advisory levels for bifenazate have been established. Using Tier I screening models generic expected environmental concentration (GENEEC) (surface water) and screening concentrationin ground water (SCI-GRO) (ground water), estimated environmental concentration (EEC) of bifenazate EEC was ≤2.14 parts per billion (ppb) for surface water, and <0.0001 ppb for ground water. As these values are much lower than the drinking water levels of concern, exposure to potential residues in drinking water is expected to be negligible.

2. *Non-dietary exposure*. Food uses described in this petition are strictly agricultural and will not add to any existing residential non-dietary exposure. Such exposure has already been assessed in the process through which Floramite®, Floramite® GS, and Floramite® LS (50% WP formulations) were registered for ornamental uses. Residential exposures from ornamental uses are expected to be very limited, if any at all, since broad spectrum insecticides (rather than selective insecticides) are generally used for residential settings. Quantitative risk estimation calculated MOEs of 1,400 and 3,100 for homeowners and children, respectively, using default values in EPA draft SOPs for Residential Exposure Assessment. Use of product-specific foliar residue decline data would be expected to lower calculated MOEs. The MOEs, reflecting the limited potential for exposure from residential uses, were all greater than 1,000, and well within acceptable limits.

D. Cumulative Effects

The mechanism of action of bifenazate on the mammalian red blood cell, which is target organ in the species tested, remains to be elucidated. The lack of information on bifenazate mode of action precludes an assessment of cumulative effects.

E. Safety Determination

1. *U.S. population*. Based on the toxicology data base and available information on anticipated residues, the acute dietary exposure MOE was >82,000 for females 13–50 years old. This is well above EPA's standard of acceptable MOE of 100. Chronic dietary exposure to the U.S. population (total) was 0.4% of the RfD. Exposure to potential residues in drinking water is expected to be negligible, as drinking water levels of concern (DWLOC's) are substantially higher than modeled acute and long-term EEC's. The MOE's from the limited potential for short-term exposure from residential uses was >1,000. Based on these assessments, it can be concluded that there is reasonable certainty of no harm to the U.S. population or any population subgroup from exposure to bifenazate.

2. *Infants and children*. The acute dietary exposure MOE was >22,000 for infants and children, and are well above EPA's standard acceptable MOE of 100. The chronic dietary exposure was 1.3% of the RfD for infants, and 1% for children. Exposure to potential residues in drinking water is expected to be negligible, as DWLOC's are substantially higher than modeled acute and long-term EEC's. The MOE's from the limited potential for short-term exposure from residential uses was <1,000. Based on these assessments, it can be concluded that there is reasonable certainty of no harm to infants and children from exposure to bifenazate.

F. International Tolerances

To date no Codex, Canadian or Mexican tolerances exist for bifenazate.

[FR Doc. 01–9492 Filed 4–17–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6967–3]

Final Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program

AGENCY: Environmental Protection Agency.

ACTION: Final notice.

SUMMARY: In this notice, the Environmental Protection Agency (EPA) is finalizing additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems, which were published in the **Federal Register** on February 5, 1999 (64 FR 5916). Specifically, EPA is finalizing its approach and schedule for review of state operator certification programs for the purpose of making Drinking Water State Revolving Fund (DWSRF) withholding determinations, and clarifying the meaning of the term ''validated exam'' in the Guidelines. In addition, EPA is also finalizing the allocation methodology and the process that will be used to award grants to states for the operator certification expense reimbursement grants program. This notice also provides the amount of funding that each state is eligible to receive from the grants program.

DATES: This final notice is effective April 8, 2001.

ADDRESSES: Public comments on the Proposed Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Proposed Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program are available for review at Water Docket (docket #W–98–07), Environmental Protection Agency, Room EB57, 401 M Street, SW, Washington, DC 20460. For access to the Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. Eastern Time for an appointment and reference Docket #W–98–07.

FOR FURTHER INFORMATION CONTACT: For technical inquiries, contact Jenny Jacobs, Office of Ground Water and Drinking Water (4606), U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The telephone number is (202) 260–2939 and the e-mail address is jacobs.jenny@epa.gov. For copies of this notice and EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems, contact the Safe Drinking Water Hotline, toll free at (800) 426–4791. Copies can also be obtained from EPA's website at http://www.epa.gov/safewater/opcert/opcert.htm. EPA plans to republish the guidelines with the revisions made today and post them on EPA's website at http://www.epa.gov/safewater/opcert/opcert.htm.

SUPPLEMENTARY INFORMATION:

Regional Contacts

I. Linda Tsang, U.S. EPA Region I, One Congress Street, Suite 1100 (CMU), Boston, MA 02114, (617) 918–1395

II. Gerard McKenna, U.S. EPA Region II, Drinking Water Section, Water Programs Branch, 290 Broadway, New York, NY 10007–1866, (212) 637–3838

III. Barbara Smith, U.S. EPA Region III, Drinking Water Branch (3WP22), 1650 Arch Street, Philadelphia, PA 19103–2020, (215) 814–5786

IV. Janine Morris, U.S. EPA Region IV, Atlanta Federal Center, 61 Forsyth

Street, Atlanta, GA 30303–8960, (404) 562–9480
V. Charles Pycha, U.S. EPA Region V, Water Division, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 886–0259
VI. Marvin Waters, U.S. EPA Region VI, Drinking Water Section (6WQ-SD), 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–7540
VII. Robert Dunlevy, U.S. EPA Region VII, Water, Wetlands and Pesticides Division, 501 9th Street, Kansas City, KS 66101, (913) 551–7798
VIII. Anthony Q. DeLoach, U.S. EPA Region VIII, Municipal Systems Unit, Drinking Water/Wastewater (8P-W-MS), 999 18th Street, Suite 500, Denver, CO 80202–2466, (303) 312–6070
IX. Kevin Ryan, U.S. EPA Region IX, Drinking Water Office (WTR–6), 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–2052
X. Bill Chamberlain, U.S. EPA Region X, Office of Water, Drinking Water Unit (OW–136), 1200 6th Avenue, Seattle, WA 98101, (206) 553–8515

Table of Contents

I. General Information
II. Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems
A. Program Submittal Schedules
1. Background
2. Response to Comments on Major Issues
3. Final Review Process and DWSRF Withholding Determinations for Revised State Operator Certification Programs
4. Final Review Process and DWSRF Withholding Determinations for Substantially Equivalent State Operator Certification Programs
B. Exam Validation
1. Background
2. Response to Comments on Major Issues
III. Operator Certification Expense Reimbursement Grants Program
A. Background
B. Response to Comments on Major Issues
1. General Expense Reimbursement Grants Program
2. Match Requirement on Remaining Expense Reimbursement Grant Funds
3. Expense Reimbursement Grants Program Allocation Methodology
4. Other Issues
C. Final Approach for Administration of the Grants Program
D. Final Program Funding and Allocation Methodology

I. General Information

The operator certification final guidelines were developed to meet the requirements of section 1419(a) of the Safe Drinking Water Act (SDWA), as amended in 1996. Section 1419(a) directs the Environmental Protection Agency (EPA) to develop guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity public water systems and to publish those guidelines by February 6, 1999. The final guidelines were published in the **Federal Register** on February 5, 1999 (64 FR 5916)—see Docket #W–98–07, Operator Cert., II–A.1.

EPA planned to include with the final guidelines a section addressing information on submittal schedules and the withholding process. However, when EPA published the final guidelines, this section was not included to allow more time for the Agency to consider issues raised during the public comment period on the draft guidelines. EPA decided to seek additional public comment and accordingly, on July 20, 2000, published a notice in the **Federal Register** (65 FR 45057) soliciting comments on Proposed Additions to the Final Guidelines for Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems. The **Federal Register** notice also requested comments on a Proposed Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program. The public record for both of these proposals was established under Docket #W–98–07.

During the public comment period, EPA received approximately 150 comments from 20 commenters. Comments were received from one federal agency, 15 states, two associations representing states, one association representing water systems, and one United States Congressman. Approximately 50 comments were received on the proposed additions to the final guidelines and approximately 100 comments were received on the proposed methodology for allocating expense reimbursement grants. Parts II and III discuss EPA's response to comments on major issues relating to the July 20, 2000 proposal.

Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), EPA must obtain approval from the Office of Management and Budget (OMB) to collect information from the states required under the operator certification guidelines as well as the operator certification expense reimbursement grants program. EPA is expecting to obtain approval of an Information Collection Request (ICR) for this information by April 2001. Advance notice of the ICR (EPA ICR #1955.01) is required to be published in the **Federal Register** for public comment before it is submitted to OMB. This notice was published in the **Federal Register** on February 28, 2001 (66 FR 12776). EPA may not conduct, or sponsor, and a person is not required to submit to a collection of information unless the Agency has OMB approval for collection of the information. The ICR approval will be posted on EPA's website at http://www.epa.gov/safewater/opcert/opcert.htm.

II. Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems

A. Program Submittal Schedules

1. Background

Under section 1419(b) of the SDWA, beginning two years after the date on which EPA publishes guidelines for the certification (and recertification) of operators of community and nontransient noncommunity public water systems (or February 5, 2001), ''EPA shall withhold 20 percent of the funds a state is otherwise entitled to receive under (SDWA section 1452) unless the state has adopted and is implementing a program * * * that meets the requirements of the guidelines.'' Section 1452 establishes a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems to finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to further the public health objectives of the Act. Section 1452 authorizes EPA to award capitalization grants to states, which in turn provide low cost loans to eligible systems and other types of assistance. Under section 1452, states can also set aside a portion of their capitalization grants to use for activities relating to implementation of the public water system supervision (PWSS), source water protection, operator certification, and capacity development programs. States must meet the requirements contained in the operator certification final guidelines to avoid withholding of DWSRF capitalization grant funds. There are no other sanctions for states with operator certification programs that fail to meet the requirements of the final guidelines. All DWSRF funds withheld by EPA will be reallotted to states who are implementing a program that meets the guidelines using the formula originally used to allot those funds. A state that has not met the requirements of the guidelines is not eligible to

receive funds made available by a reallotment of withheld funds.

In developing an approach for reviewing state operator certification programs and making withholding decisions, EPA sought to: (a) Establish a consistent date for all states to meet the requirements of the guidelines; (b) provide states with sufficient time to make changes in their programs in response to EPA review before EPA permanently withholds funds; and (c) allow future operator certification program approval or withholding decisions to be made at the beginning of the federal fiscal year so that states can plan for their use of DWSRF program funds.

States have two options for submitting their programs to EPA for review. Section 1419(c) of the SDWA recognizes that some states may have existing operator certification programs that meet the public health objectives of the guidelines and allows those states to submit their existing programs as ''substantially equivalent'' to the guidelines instead of requiring those states to make revisions to their programs. Alternatively, states that must make changes to their existing programs may submit revised programs to meet the requirements of the guidelines.

The final review process described in this notice covers the deadlines for states to submit their operator certification programs to EPA, time frames for EPA to review state programs, time frames for states to address any identified deficiencies, and time frames for EPA to make withholding decisions. DWSRF withholding decisions will be made on an annual basis once a state has received EPA approval that its program meets EPA's guidelines. Annual decisions will be based upon a state's ongoing implementation of its operator certification program.

Section A.2 of this notice explains EPA's response to comments on major issues. Section A.3 of this notice explains EPA's final schedule for states that submitted revised operator certification programs. Section A.4 of this notice explains EPA's final schedule for states that submitted their existing operator certification programs as ''substantially equivalent'' programs. Sections A.3 and A.4 will be included as part of the operator certification final guidelines in Section III (Program Submittal Process), Subsection A (Submittal Schedule and Withholding Process), under Subsections 1 and 2, respectively.

2. Response to Comments on Major Issues

a. Additional Flexibility Regarding the Term ''Adopt''. Eight commenters stated that EPA should give states additional flexibility with regard to the February 5, 2001 deadline for submitting programs that meet the operator certification final guidelines. Two commenters believed that EPA should not begin withholding DWSRF funds from any state until two years after these additions to the final guidelines are finalized because the guidelines have been amended. One commenter stated that delays caused by legislative adoption schedules should not be the only reason for allowing states additional time for completing the rulemaking process. The commenter believed all states should be given an opportunity to complete their rulemaking process in a way that will provide for reasonable, enforceable rules that protect public health and meet EPA requirements and that those states should have until September 30, 2002 to have rules effective. Another commenter stated that EPA's requirement that states submit adopted regulations without first having legislative approval is not realistic since states do not adopt regulations until they have legislative approval.

EPA believes that it is not appropriate to extend the deadlines for states to submit operator certification programs or for EPA to begin withholding of DWSRF funds since the additions to the final guidelines do not change any of the requirements concerning the content of state operator certification programs. EPA is now providing the full flexibility allowed under the law for states to correct any program deficiencies before EPA makes a decision to permanently withhold DWSRF funds. The content of state operator certification programs as specified in the nine baseline standards published in the final guidelines has not been amended by adding the schedules for EPA's review of state programs and for making DWSRF withholding decisions or by publishing the allocation methodology for the expense reimbursement grants program. EPA will maintain the deadlines for states to submit operator certification programs and for EPA to begin withholding of DWSRF funds.

The SDWA allowed two years from February 5, 1999 (when the final guidelines were published) for states to revise their programs to meet the guidelines. However, EPA realized that, in some states, two years might not be an adequate amount of time to complete the regulatory process since states are required to go through long stakeholder processes and rule adoption processes. As a result, these states would not be able to submit a complete operator certification package (with signed Attorney General statement certifying that rules are adopted) by the February 5, 2001 deadline. EPA worked with states that believed they would not be able to submit a complete package by the deadline. If a state's legislative schedule would not allow it to have final regulations certified by the Attorney General by February 5, 2001, the state had to submit regulations that had been adopted by the implementing agency or agencies but were awaiting legislative approval, a schedule for final adoption by the state legislature, and a full description of how the state's program complied with the requirements of the guidelines. The state must submit its Attorney General's certification immediately upon approval of regulations by the legislature, but no later than September 30, 2002. EPA worked with states on a case-by-case basis through these issues. EPA believes that it has provided the maximum time it can for submissions of programs under the statute because the statute requires EPA to begin withholding DWSRF funds on February 5, 2001, unless a state ''has adopted and is implementing'' a program that meets the guidelines. Generally, if a state has not adopted regulations, it cannot be ''implementing'' them. Fifty of fifty-one programs were submitted by the February 5, 2001 deadline. The state that did not submit its program had already received its DWSRF grant for fiscal year 2001 funds and thus was not subject to withholding.

b. ''Hold Back'' of DWSRF funds. Four commenters believed that states should not be penalized by a ''hold back'' of DWSRF funds while EPA reviews state operator certification programs. Several commenters expressed concern that EPA will be slow in reviewing state operator certification programs. One commenter thought that EPA does not have the statutory authority to hold back DWSRF funds. Two commenters were unclear when held back DWSRF funds would be returned to states. Two commenters stated that EPA cannot hold back or withhold DWSRF funds from a substantially equivalent program unless it has been ''disapproved''.

Section 1419(b) of the SDWA requires that EPA withhold 20 percent of the funds a state is otherwise entitled to receive under SDWA section 1452 unless a state has adopted and is implementing a program that meets the requirements of EPA's operator certification guidelines beginning two years after the date on which EPA

publishes guidelines for the certification of operators of community and nontransient noncommunity public water systems (or February 5, 2001). EPA developed the concept of holding back DWSRF funds to provide additional time for states to meet the guidelines while still meeting the statutory requirement to begin withholding on February 5, 2001.

The ''hold back'' concept was initially used during the review and approval of state capacity development programs which have DWSRF withholding provisions. In the operator certification program, the concept serves several purposes: it allows states to have two full years from the date that the final guidelines were published to adopt programs that meet the guidelines and to submit their program to EPA, and it gives adequate time for EPA to review state programs and for states to address any identified deficiencies before EPA makes a decision to permanently withhold DWSRF funds.

State programs were due to EPA for review no later than February 5, 2001. EPA is committed to completing its review of a state's program within six months of the submittal date (no later than August 5, 2001) and either approving the program or giving the state a list of deficiencies. If the state receives a list of deficiencies, it will have until September 30, 2002 to receive program approval before EPA permanently withholds DWSRF funds. If a state has DWSRF funds held back, those funds will be released to the state once it has received approval of its operator certification program.

EPA agrees with the commenters who believe that DWSRF funds cannot be held back or withheld from a state that had submitted a ''substantially equivalent'' program until the program has been disapproved. Pursuant to section 1419(c) of the SDWA, ''substantially equivalent'' programs were required to be submitted to EPA for review no later than August 5, 2000. Three states submitted their operator certification programs for review to EPA as ''substantially equivalent''. EPA has reviewed and approved all of those programs.

c. *Annual State Operator Certification Program Submittals.* Two commenters stated that EPA does not have statutory authority to withhold DWSRF funds on an annual basis. Four commenters stated that EPA should allow states to comment on the content of packages submitted for the purposes of making annual determinations on implementation of programs. Three commenters believed that states should have more time to correct deficiencies found in annual submittals before a withholding occurs. One commenter supported the time frames as proposed.

EPA believes it has statutory authority to make withholding decisions on an annual basis. Section 1419(b) of the SDWA gives EPA a starting date of two years after publishing the final guidelines to begin withholding DWSRF funds unless the state has ''adopted and is implementing'' an operator certification program that meets the guidelines. Based on this statutory language, EPA has concluded that the withholding decision is an ongoing requirement to be applied each time a state is entitled to receive funds under section 1452. Annual submittals will allow EPA to determine if a state ''is implementing'' an operator certification program that complies with the guidelines.

EPA agrees that states should be allowed to comment on the contents of packages for state operator certification program annual submittals. EPA will work with states to specifically define the contents of annual submittals.

EPA encourages states to provide their annual package by June 30 of each year to allow for sufficient time for review and revisions. EPA believes that states will have sufficient time to correct program deficiencies identified during the review of annual submittals since the submittals will primarily consist of a report on the state's ongoing progress in implementing its operator certification program. EPA intends to work with states on an ongoing basis to address implementation problems when they occur rather than wait for the annual review.

d. Attorney General's Certification. One commenter expressed concern that the guidelines require a state to submit an Attorney General's certification as to its legal authority to implement and enforce the requirements of an operator certification program. Specifically, the commenter stated that, in some states, this type of certification is not part of the administrative rule promulgation process. According to the commenter, while legal review may be performed, it may not be done by the Attorney General.

EPA did not specifically request comment on this issue in the July 20, 2000 proposal. However, EPA did solicit comment on this issue in the March 27, 1998 Public Review Draft Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems. In the final guidelines, EPA requires that states submit an Attorney General's certification, (or certification from delegated counsel), that confirms that states: (1) Have the legal authority to implement the program requiring the certification of operators of all community and nontransient noncommunity water systems and (2) can require that the systems comply with the appropriate requirements of an operator certification program. EPA will accept this certification from a delegated counsel, for example the counsel for the agency that administers the operator certification program, as long as the state submits proper documentation of the delegation. EPA does not feel that this is an unreasonable burden on states since it is generally required as part of the primacy revision package that is submitted when states are revising their regulations to meet EPA's drinking water standards. Such a certification is the best way of providing EPA with assurance that the submitted program is legally sound and can thus be implemented by the state.

3. Final Review Process and DWSRF Withholding Determinations for Revised State Operator Certification Programs

The final approach for review of a state's initial operator certification program and for making withholding decisions is: (Diagram 1 has been added as a visual aid)

- A state must submit its initial operator certification program to EPA for review by February 5, 2001. If a state does not submit its program to EPA by February 5, 2001, the state will immediately lose 20% of unawarded FY 2001 funds. The guidelines require states to submit an Attorney General's certification, a full description and explanation of how the state's operator certification program complies with the requirements of the guidelines and a copy of the state's operator certification regulations.
- Between February 5, 2001, and September 30, 2002, EPA will hold back 20% of unawarded FY 2001 and FY 2002 funds from any state that submits its program to EPA by the February 5, 2001 deadline but that has not yet received EPA approval of its program.
- Within six months of a state's submittal date, EPA will complete its review of state programs that were submitted by the February 5, 2001 deadline. At that time, EPA will determine that either the state's program meets EPA's guidelines or will provide a list of deficiencies to the state.
- A state has until September 30, 2002 to correct deficiencies and receive EPA approval of its operator certification program in order to receive any FY 2001 and FY 2002 funds that were held back from the state. Held back

funds will be released to the state once the state receives EPA approval of its operator certification program.

- On September 30, 2002, a state that does not have an EPA approved program will lose any FY 2001 and FY 2002 funds that have been held back.
- On October 1, 2002, a state that does not have an EPA approved program will lose 20% of its FY 2003 funds.

Withholding decisions will also be made annually based on a review of the state's annual operator certification program. Annual reviews can be based on a state's fiscal year or any schedule agreed to by the state and EPA. Schedules should be developed that allow adequate time for review and revisions, if necessary, between submittal and withholding decisions. States are encouraged to submit a package showing how they are meeting the requirements of the guidelines by June 30 to allow for adequate time for review and revisions. The final approach for withholding decisions based on a state's annual operator certification program submittal is:

- Any state that has received EPA approval of its initial operator certification program before September 30, 2000 is required to undergo its first annual review of its operator certification program on or before September 30, 2001. If, after reviewing the state's annual submittal, EPA finds that the state's operator certification program does not meet the guidelines, the state will permanently lose 20% of its FY 2002 funds on October 1, 2001.
- Any state that receives EPA approval of its initial operator certification program between October 1, 2000 and September 30, 2001 is required to undergo its first annual review of its operator certification program between October 1, 2001 and September 30, 2002. If, in reviewing the state's annual submittal, EPA finds that the state's operator certification program does not meet the guidelines, the state will permanently lose 20% of its FY 2003 funds on October 1, 2002.
- On or before September 30, 2003, and annually thereafter, EPA will review a state's operator certification program and make any necessary determinations to withhold funds from the upcoming fiscal year's allotment.

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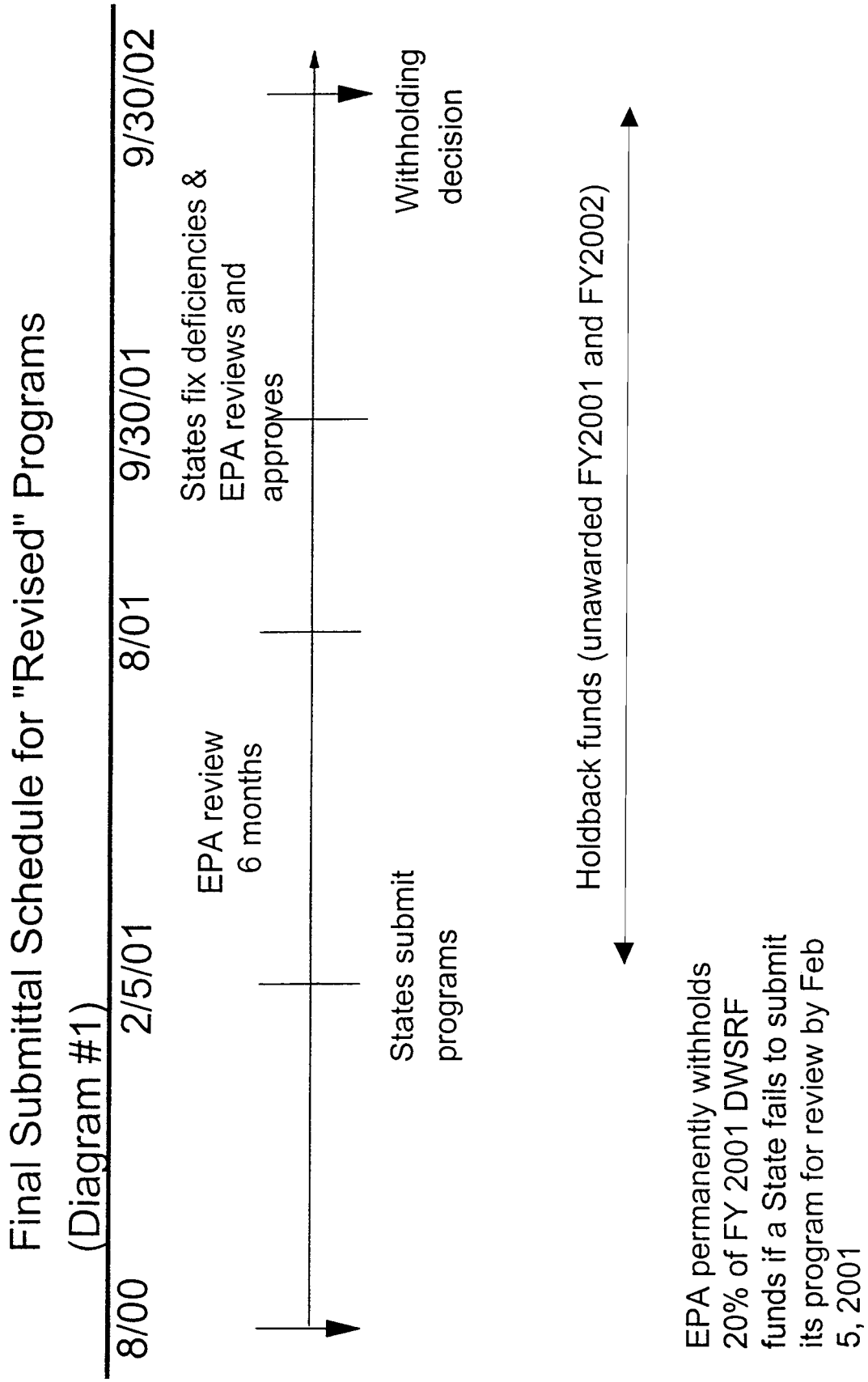

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4. Final Review Process and DWSRF Withholding Determinations for Substantially Equivalent State Operator Certification Programs

The final approach for review of a state's initial operator certification program is: (Diagram 2 has been added as a visual aid)

- A state must submit its program to EPA for review by August 5, 2000. Any state program that is submitted after August 5, 2000 will be considered a revised program and will follow the schedule for revised programs.
- Within six months of a state submittal, and no later than February 5, 2001, EPA will complete its review of a state program. At that time, EPA will either make a determination that the program is substantially equivalent or will issue a Notice of Disapproval and will provide a list of deficiencies to the state.
- A state has six months after receipt of a Notice of Disapproval to correct deficiencies and submit the changes to EPA. EPA will approve or disapprove the state's program by September 30, 2001.

The final approach for withholding decisions based on a state's initial operator certification program submittal is:

- After February 5, 2001, if a state program is submitted and EPA has issued a Notice of Disapproval, 20% of unawarded FY 2001 funds will be held back (but not permanently withheld).
- If a state corrects deficiencies and its program is approved by September 30, 2001, held back FY 2001 funds will be released to the state as soon as the state receives program approval from EPA.
- On October 1, 2001, a state with a disapproved program will permanently lose any held back funds from FY 2001, plus 20% of FY 2002 funds.

Withholding decisions will also be made annually based on a review of the state's annual operator certification program. Annual reviews can be based on a state's fiscal year or any schedule agreed to by the state and EPA. Schedules should be developed that allow adequate time for review and revisions, if necessary, between submittal and withholding decisions. States are encouraged to submit a package showing how they are meeting the requirements of the guidelines by June 30 to allow for adequate time for review and revisions. The final approach for withholding decisions based on a state's annual operator certification program submittal is:

- Any state whose program is approved on or before September 30, 2000 is required to undergo its first annual review of its operator certification program on or before September 30, 2001.
- If, in reviewing the state's annual submittal, EPA finds that the state's operator certification program does not meet the guidelines, the state will permanently lose 20% of FY 2002 funds on October 1, 2001.
- On or before September 30, 2002, and annually thereafter, EPA will review a state's operator certification program and make any necessary determinations to withhold funds from the upcoming fiscal year's allotment.

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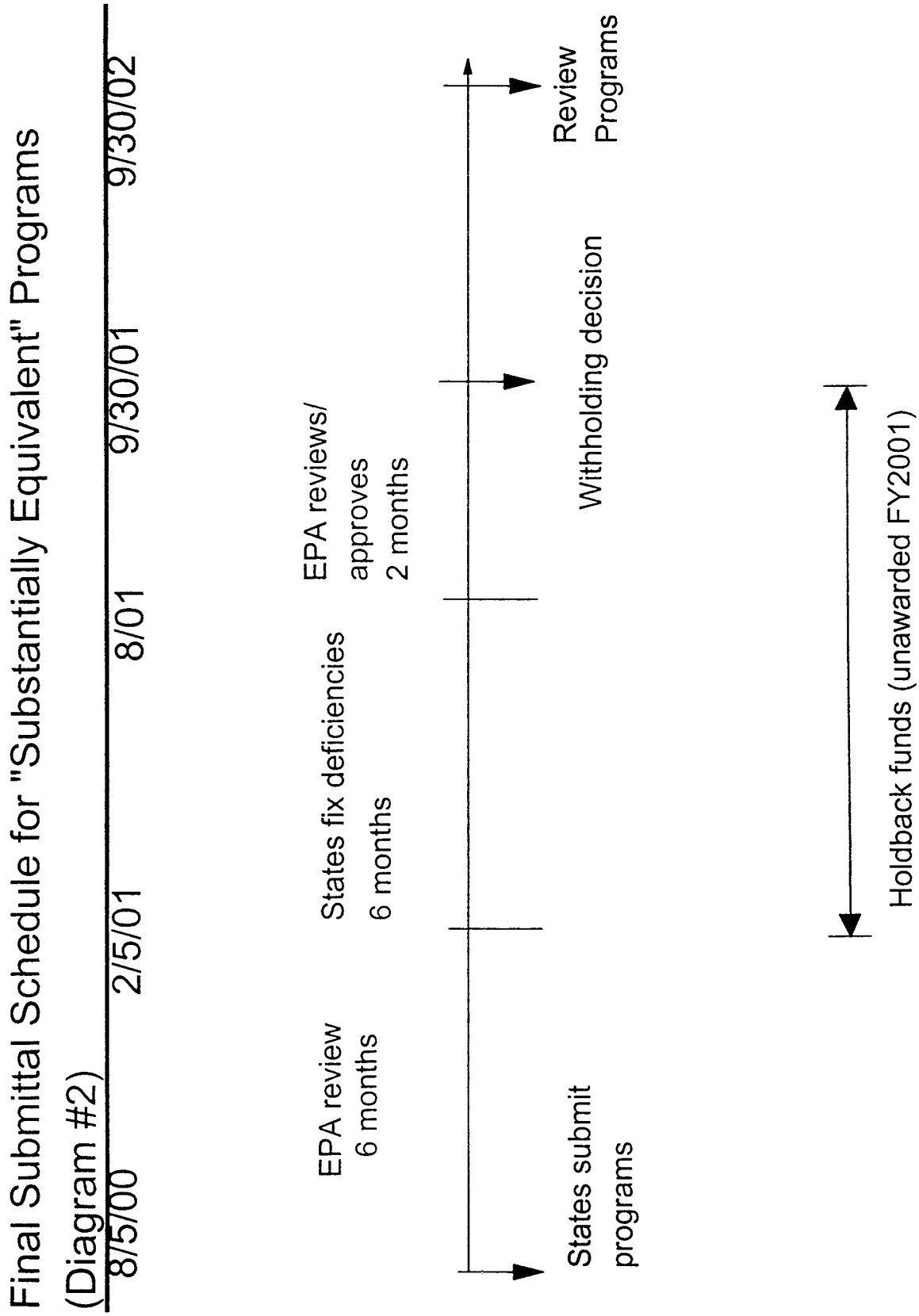

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B. Exam Validation

1. Background

The Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems contains nine baseline standards that states are required to adopt and implement in their operator certification programs. Baseline Standard No. 3, Operator Qualifications, specifies that state programs must require that, for an operator to become certified, the operator must ''take and pass an exam that demonstrates that the operator has the necessary skills, knowledge, ability and judgement as appropriate for the classification''. Furthermore, this baseline standard specifies that ''all exam questions must be validated''. However, it does not require that the entire exam be validated. This situation is not entirely consistent with the definition of validated exam at the end of the final guidelines. In the guidelines, EPA defines a validated exam to be ''an exam that is independently reviewed by subject matter experts to ensure that the exam is based on a job analysis and related to the classification of the system or facility''. In the July 20, 2000 proposal, EPA solicited and received comments on the resolution to this apparent inconsistency.

2. Response to Comments on Major Issues

Two commenters supported validating the complete exam. Four commenters were unsure of how EPA is amending the validated exam language. One commenter thought that states should conduct exam validation workshops. Five commenters thought that requiring the complete exam to be validated would reduce the number of different exams that a state would be able to administer because of the high cost of validating complete exams, which could result in a reduction of the effectiveness of a state's program. Several commenters felt that states should be able to replace individual questions on exams from a database of validated questions as necessary without re-validating the entire exam. Two commenters thought that the process should be left up to states.

EPA believes that examinations given by states must contain validated questions and that each state must have a process for ensuring that all of the subject areas necessary to test an operator's knowledge, skills, ability and judgement for a particular classification level are appropriately covered in each certification exam. This process should include a review of the exam by subject matter experts, as determined by the state, to ensure that the exam is based on a job analysis and related to the classification of the system or facility. EPA encourages states to develop a database of validated exam questions which will allow states the flexibility to offer a variety of exams for each class of operator. Because EPA has decided not to mandate a ''validated exam'' as opposed to an exam of validated questions, the language in Baseline Standard No. 3 will not be changed. EPA is deleting the definition of ''Validated Exam'' from the guidelines.

EPA has awarded a grant to the Association of Boards of Certification to develop a guidebook on exam validation to assist states with the validation process. The guidebook is scheduled to be completed in August 2001. As noted earlier in this notice, EPA plans to republish the guidelines with the revisions made today and post them on EPA's website at http://www.epa.gov/safewater/opcert/opcert.htm.

III. Operator Certification Expense Reimbursement Grants Program

A. Background

Section 1419(d) of the SDWA requires EPA to reimburse the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating community and nontransient noncommunity public water systems serving 3,300 persons or fewer that are required to undergo training pursuant to the operator certification final guidelines. The reimbursement is to be provided through grants to states. Each state is to receive an amount sufficient to cover the reasonable costs for training all such operators in the state. The amount each state will receive to cover the reasonable costs for training will be determined by the Administrator of EPA. Section 1419(d) also authorizes an appropriation of $30 million in funding for this reimbursement each year from FY 1997 through FY 2003 and stipulates that, if this appropriation is not sufficient, EPA shall reserve funds in an amount sufficient to satisfy these expenses from the national DWSRF program appropriation. Because there has been no appropriation from Congress for the expense reimbursement grants program, it is EPA's intention to reserve funds for expense reimbursement from the national DWSRF program appropriation.

The grants are first to be used to provide reimbursement for training and certification costs of persons operating community and nontransient noncommunity water systems serving 3,300 persons or fewer. If a state has reimbursed all such costs, the state may, after notice to the Administrator, use any remaining funds from the grant for any of the other purposes authorized for capitalization grants under section 1452 of the SDWA.

B. Response to Comments on Major Issues

1. General Expense Reimbursement Grants Program

Five commenters believed that the funds for the expense reimbursement grants program should not be taken from the national DWSRF appropriation and that EPA should request the funding from Congress. One commenter suggested that EPA identify the amount of funds that will be reserved for this program and two commenters stated that EPA did not factor in inflationary costs between FY 1999 and FY 2003.

Section 1419(d) of the SDWA authorizes an appropriation of $30 million in funding for the expense reimbursement grants program each year from FY 1997 through FY 2003 and stipulates that, if this appropriation is not sufficient, EPA shall reserve these funds from the national DWSRF program appropriation. Because there has been no appropriation from Congress for this program, EPA must take the funding from the annual DWSRF program appropriation. EPA appreciates the concerns of the commenters that believe EPA should have separately requested funds for this purpose. However, EPA must consider all aspects of the program as it weighs priorities in preparing funding requests. EPA has estimated that the amount of funding necessary for expense reimbursement is approximately $134 million. To date, EPA has reserved $74,934,000 ($15 million from the FY 1999, $30 million from the FY 2000 and $29,934,000 from the FY 2001 DWSRF appropriations, respectively). EPA intends to reserve the remaining amount needed to fully fund the program (approximately $59 million) from the FY 2002 and FY 2003 DWSRF appropriations. Although EPA did not include a factor for inflation, the Agency believes that the assumptions that were used to calculate the amount of funding necessary to fund the expense reimbursement grants program will cover increases in costs due to inflation.

One commenter asked that EPA clarify that all operators (public, private, federal) are eligible. One commenter requested that EPA define what documentation operators would have to provide to receive reimbursement from the states.

Section 1419(d) of the SDWA specifies that ''the Administrator shall provide reimbursement for the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating systems serving 3,300 persons or fewer that are required to undergo training'' pursuant to the final guidelines. Any operator of a system that meets this criteria is eligible for reimbursement. EPA believes that the requirements that operators must meet to prove the need for reimbursement should be left up to each state.

Three commenters asked EPA to clarify if costs incurred since FY 1997 are reimbursable and if EPA will allow ''retroactive reimbursement''. Under certain circumstances, EPA will allow ''retroactive reimbursement'' (referred to as ''pre-award costs'') if a state provides justification for doing so in its grant application. Generally, EPA does not allow pre-award costs that were incurred more than 90 calendar days prior to the award. EPA may allow for reimbursement of costs incurred more than 90 calendar days prior to the award on a case-by-case basis if the ''pre-award costs'' are in conformance with the requirements set forth in OMB Circular A–87 and with applicable Agency regulations, policies, and guidelines. However, because the final guidelines were not published until FY 1999, EPA will not allow ''pre-award costs'' that were incurred prior to February 1999. EPA will determine whether pre-award costs are allowable as part of its review of the application for assistance.

One commenter asked EPA to define ''reasonable costs''. Three commenters suggested that EPA define the term ''unsalaried''.

A state will be required to submit an application for federal assistance which will include a workplan describing how the state intends to use the funds. EPA will review eligible costs as part of its review of the workplan. However, EPA believes that, generally, any costs that are associated with activities conducted to train and certify operators are considered ''reasonable'' costs (such as those described in Part III, section B. of this notice). Where clarification of this term is necessary in the context of a state program, EPA expects the state to provide a relevant definition. EPA defines the term ''unsalaried operator'' to mean a person who is not paid in any manner by the system owner to perform the duties and responsibilities of a certified operator. EPA does not consider an operator who is paid by the system owner on an hourly basis to be ''unsalaried''.

Nine commenters suggested that EPA consider allowing states to use expense reimbursement grant program funds to administer the program because they do not believe that states should have to use the 10% State Program Management set-aside from the DWSRF program for this purpose.

EPA agrees with these commenters and will allow states to use a reasonable amount of the expense reimbursement grant funding for administrative purposes. Because the exact percentage for administration will vary by state, each state will be required to submit this information to EPA in its application for federal assistance.

One commenter suggested that the funding mechanism should be extended beyond FY 2003.

Under section 1419(d) of the SDWA, the Administrator of EPA is only authorized to provide grants for reimbursement through FY 2003. Congressional action is required in order to extend funding beyond that date.

2. Match Requirement on Remaining Expense Reimbursement Grant Funds

EPA's intention to reserve funds for the expense reimbursement grants program from the national DWSRF program appropriation has triggered questions concerning whether EPA should require a 20% state match pursuant to section 1452(e). Two commenters indicated that there should be no match requirement on initial grants. Two commenters supported a requirement for a 20% match on remaining funds only if the funds are used for infrastructure projects. Two commenters opposed a match requirement on remaining funds.

Although the funds are appropriated under section 1452, the expense reimbursement grants program is authorized under section 1419(d). Therefore, there is no 20% match requirement for initial grants because there are no matching requirements for funds awarded pursuant to section 1419(d). However, states that use any remaining portion of the expense reimbursement grant funds for purposes authorized under SDWA section 1452, must provide the 20% match, since a match is required for capitalization grant funds received under section 1452.

3. Expense Reimbursement Grants Program Allocation Methodology

The information in parentheses after each assumption is a summary of information from the July 20, 2000 proposal.

a. Assumption 1 (Eligible Systems = community water systems + nontransient noncommunity water systems serving 3,300 persons or fewer): The majority of commenters (nine) on this assumption supported basing the methodology on the number of community water systems and nontransient noncommunity water systems serving 3,300 persons or fewer. EPA agrees with these commenters.

Three commenters asked when EPA would recalculate the total number of eligible systems which are used in Assumption #1 of the grant allocation methodology. Some commenters felt that EPA underestimated the total number of systems that are eligible for reimbursement, and felt that EPA should use the number of systems that were reported in the most recent EPA PWSS Annual Compliance Report. EPA believes it should use the most current data available. The most recent PWSS Compliance Report has inventory information from 1998.

The July 20, 2000 proposal for the allocation methodology for expense reimbursement grants used Safe Drinking Water Information System (SDWIS) inventory data from February 1999. This notice uses more current SDWIS inventory information from the database that was frozen in the third quarter of FY 2000 (July 2000).

b. Assumption 2 (number of operators: 2 per system or 1.5 per system or 2 per community water system/1 per nontransient noncommunity water system): Nine commenters supported the option of two operators per system; one commenter supported the option of two operators per community water system and one operator per nontransient noncommunity water system; one commenter supported the option of 1.5 operators per system; one commenter supported three operators per system for a small percentage of systems.

EPA will base the allocation methodology on the assumption that two operators per system will need to be trained and certified. This option was supported by most commenters and takes into account the turnover of operators at small systems.

c. Assumption 3 (number of unsalaried operators = ½ of eligible operators): EPA received no comment on this assumption and therefore will make no changes to it.

d. Assumption 4 (Amount of Per Diem = $100): One commenter supported $100/day; one commenter thought that states should be able to set their own rates; one commenter suggested that the per diem rate is too low.

The assumption of $100 per diem rate is used only as an average for the purposes of calculating allotments. The final allocation methodology will continue to use this rate. EPA agrees that states should be allowed to set their own per diem rate. Therefore, states are not required to use the $100 per diem rate in their programs.

e. Assumption 5 (Days of Per Diem = 4): Some commenters felt that EPA should increase the number of days of per diem allowed. EPA believes that four days of per diem is an appropriate amount of per diem. The amount of per diem that is estimated is directly tied to the number of training classes that an operator will be required to attend. These training classes can be required to be taken either as part of the initial certification requirements (usually training courses to prepare for the exam) or as part of certification renewal. This grant program is targeted at small system operators and small system operators are not required to attend as many classes as large system operators. Additionally, because many states do not require that operators take training to become initially certified, most operators usually do not take training until they are ready to renew certification.

Since EPA is finalizing the allocation methodology to assume that small system operators will be required to attend two training classes and since EPA believes that most training courses will last not more than one day, EPA believes that two days of per diem for each training class is adequate. Therefore, EPA believes that a total of four days of per diem is sufficient for this assumption.

f. Assumption 6 (Cost of Training Classes = $300/class): Two commenters thought that the estimated cost of training classes is too low. EPA believes that the estimated cost of $300 per class is reasonable and therefore will maintain the figure. When EPA began developing these assumptions, the Agency proposed this cost per class to the Operator Certification State-EPA Work Group, which was instrumental in assisting EPA in the development of the operator certification final guidelines. The group contained state representatives who are involved with operator training and those representatives supported EPA's proposed cost of $300/class. EPA also has taken into consideration that there are organizations (such as the National Rural Water Association) that offer free training to small system operators.

g. Assumption 7 (number of Training Classes = 2 per operator): Four commenters indicated that they thought that more than two classes should be used (two indicated 3 classes, one indicated 4 classes) because they believe that small system operators will be required to attend more classes in order to comply with state training and certification requirements. EPA believes that the assumption of two classes per operator to complete a training cycle is reasonable based on reviews of state programs. In most states, small system operators are not required to attend as many classes as large system operators; also many states do not require that operators take training to become initially certified. Training for most operators usually does not occur until the operator is already certified and is ready to renew certification.

h. Assumption 8 (Certification/Renewal fee = $75): One commenter supported a $200 fee. Based on reviews of state operator certification programs, EPA believes that $100 is a more reasonable estimate for this assumption because it should cover the exam fee and the application fees for initial certification or certification renewal.

i. Assumption 9 (Round trips for Mileage = 2): One commenter supported 3 round trips. EPA believes the number of round trips should coincide with the number of training classes, and therefore will leave the number of round trips at two.

j. Assumption 10 (Number of Miles per Round Trip = 200): Two commenters supported 400 miles per round trip; two commenters thought that the mileage estimate is too low; and one commenter suggested that western states should get more mileage consideration due to the greater geographic area of the states. EPA believes that an estimate of 200 miles per round trip is reasonable for distance traveled by operators to attend training classes.

k. Assumption 11 (Cost per Mile = 31.5 cents): Four commenters suggested that the mileage reimbursement rate should reflect 32.5 cents per mile. EPA agrees with commenters and has changed the mileage reimbursement rate to reflect the current General Services Administration mileage reimbursement rate of 32.5 cents per mile.

4. Other Issues

One commenter suggested that reimbursement should cover lost wages; one commenter suggested that it should be clarified that the proposed methodology assumptions are EPA's and that state assumptions may differ.

EPA disagrees with the commenter who suggested that reimbursement should cover lost wages. Section 1419(d) of the SDWA requires that ''the Administrator shall provide reimbursement for the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating systems serving 3,300 persons or fewer that are required to undergo training'' pursuant to the operator certification final guidelines. EPA does not believe that lost wages are part of the cost of training and certification because decisions to withhold wages from salaried operators attending training classes are those of water system owners. The assumptions that EPA is using to estimate the amount of funding needed for its expense reimbursement grants program are EPA's assumptions only. They affect the allotment of funds to states, but do not directly govern the use of the funds. States will be given broad discretion on how to implement the expense reimbursement grants program to best meet the needs for operator training and certification in each state and to minimize administrative expenses in carrying out this program. The dollar amounts assigned to assumptions such as per diem rates, mileage reimbursement rates, and certification fees will likely vary from state to state. States will be required to explain to EPA in their applications for federal assistance how they will manage their programs.

C. Final Approach for Administration of the Grants Program

A state may apply for and receive its expense reimbursement grant funds in accordance with the requirements of 40 CFR part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments) once its operator certification program has received approval from EPA. A state has two years from the date of initial program approval to apply for and receive its initial expense reimbursement grant. Funds not obligated within this two year period will be reallotted to states for use in the DWSRF program based on the formula used to allot the DWSRF funds. As mentioned previously, EPA has estimated that the amount of funding necessary for the expense reimbursement grants program is approximately $134 million and has reserved $74,934,000. EPA considered allowing a state, once its operator certification program is approved, to apply for and receive its full allotment for this grant. However, EPA believes that it would be unfair to award states their full allotment since a state's full allotment is based on funds that have not yet been reserved. If the entire $134 million fails to be appropriated, this

could mean that some states would not receive a grant because all funds would be gone. EPA believes that the most equitable way to award these funds is to award a state its percentage of funds based on what has currently been reserved. By awarding these partial amounts, EPA will be able to guarantee that every state gets its share of expense reimbursement grant funds, regardless of when it received program approval from EPA. EPA will notify states of the availability of future funds.

In order to receive funding, a state must submit an application for an expense reimbursement grant. A state must submit a workplan on how funds are to be used in meeting the requirements of section 1419(d) and an annual progress report showing how funds were expended. States are given broad discretion on how to implement the expense reimbursement grants program to best meet the needs of the systems in the state and to minimize the administrative expenses in carrying out this program. States may use a reasonable amount of the expense reimbursement grant funding for administrative purposes.

EPA will determine whether pre-award costs are allowable, in accordance with the requirements of 40 CFR part 31, as part of its review of the application for assistance. Any cost that is associated with training and certifying operators is considered a ''reasonable'' cost. EPA will review eligible costs as part of its review of the workplan. EPA defines the term ''unsalaried operator'' to mean a person who is not paid in any manner by the system owner to perform the duties and responsibilities of a certified operator. EPA does not consider an operator who is paid by the system owner on an hourly basis to be ''unsalaried''.

After a state has reimbursed all costs pursuant to section 1419(d)(1), the state may, after notice to the Administrator of EPA, use any remaining funds from the grant for any of the other purposes authorized for capitalization grants under section 1452 of the SDWA. The notification for using the remaining expense reimbursement grant funds for any of the other purposes authorized for capitalization grants under section 1452 must include supporting documentation that the state has met the requirements for training and certifying its operators. The state is also required to explain in a workplan how the remaining funds will be used. A state is required to provide a 20% match if any remaining funds from the expense reimbursement grant program are used for other purposes authorized for capitalization grants under section 1452.

D. Final Program Funding and Allocation Methodology

EPA has determined that $134,330,540 will be needed for the expense reimbursement grants program between FY 1999, when the final operator certification guidelines were published, and FY 2003, the last year for which these grants are authorized. This estimate represents the amount of funding that EPA believes is necessary to initially train and certify operators of community and nontransient noncommunity water systems serving 3,300 persons or fewer to meet the requirements of the guidelines. EPA has developed this estimate based on the assumptions listed below:

Funding Assumptions

1. Total number of community and nontransient noncommunity water systems serving 3,300 or fewer persons = 65,209 (from SDWIS database)
2. 2 operators per system
3. ½ of the operators would be unsalaried and therefore would be eligible for per diem
4. Per diem = $100/day (Per diem is a daily allowance that would cover the costs of lodging and meals; for unsalaried operators only)
5. Four days of per diem assumed for class attendance (two days per training class)
6. The cost of all training classes estimated at $300/class
7. Two training classes per operator for initial certification or certification renewal
8. $100 fee for initial certification/ certification renewal
9. For mileage purposes, assume two round trips (one round trip for each training class)
10. Number of miles per round trip = 200
11. Mileage reimbursement estimated at $.325/mile (for all operators)

EPA determined the allotment for each state by substituting the number of community and nontransient noncommunity water systems serving 3,300 persons or fewer for a particular state under Assumption #1. EPA believes that this allocation methodology is both equitable and easily understood. The number of systems serving 3,300 persons or fewer is readily available from EPA's national SDWIS database. For example, if a state has 1,000 eligible water systems, the allocation would be calculated as follows:

Funding Assumptions

1. Total number of community and nontransient noncommunity water systems serving 3,300 or fewer persons = 1,000 systems
2. Number of operators per system = 2 x 1,000 = 2,000 operators
3. ½ of the operators would be unsalaried and therefore would be eligible for per diem = 2,000 x ½ = 1,000 operators
4. Per diem = $100/day (Per diem is a daily allowance that would cover the costs of lodging and meals; for unsalaried operators only) = 1,000 x $100 =$100,000 per diem
5. Four days of per diem assumed for class attendance (two days per training class) = 4 x $100,000 = $400,000 (total amount of per diem)
6. The cost of all training classes estimated at $300/class
7. Two training classes per operator for initial certification or certification renewal = 2 x $300 x 2,000 = $1,200,000 (cost of training classes)
8. $100 fee for initial certification/ certification renewal = $100 x 2,000 = $200,000 (certification fee)
9. For mileage purposes, assume two round trips (one round trip for each training class)
10. Number of miles per round trip = 200 x 2 = 400 total miles
11. Mileage reimbursement estimated at $.325/mile (for all operators) = 400 x $.325 x 2,000 operators = $260,000 total for mileage

By adding the dollar amounts calculated under assumptions 5, 7, 8 and 11, the total amount of the grant is found to be $2,060,000. Table 1 contains the state by state expense reimbursement grant allocations based on the above funding assumptions and allocation methodology.

TABLE 1.—STATE EXPENSE REIMBURSEMENT GRANT ALLOTMENTS

State or territory	No. of eligible systems (CWS + NTNCWS)	Percent of allotment	Allotment based on available funds (FY 1999–FY 2001)	Potential total allotment
Alabama	351	0.54	$403,347	$723,060
Alaska	631	0.97	725,105	1,299,860
American Samoa	21	0.03	24,132	43,260
Arizona	910	1.40	1,045,714	1,874,600
Arkansas	712	1.09	818,185	1,466,720
California	3,912	6.00	4,495,419	8,058,720
Colorado	888	1.36	1,020,433	1,829,280
Commonwealth of the Northern Mariana Islands	35	0.05	40,220	72,100
Connecticut	1,109	1.70	1,274,392	2,284,540
Delaware	310	0.48	356,232	638,600
Florida	2,731	4.19	3,138,290	5,625,860
Georgia	1,754	2.69	2,015,584	3,613,240
Guam	7	0.01	8,044	14,420
Hawaii	98	0.15	112,615	201,880
Idaho	961	1.47	1,104,320	1,979,660
Illinois	1,822	2.79	2,093,726	3,753,320
Indiana	1,491	2.29	1,713,362	3,071,460
Iowa	1,204	1.85	1,383,560	2,480,240
Kansas	891	1.37	1,023,880	1,835,460
Kentucky	323	0.50	371,171	665,380
Louisiana	1,237	1.90	1,421,481	2,548,220
Maine	731	1.12	840,018	1,505,860
Maryland	1,024	1.57	1,176,715	2,109,440
Massachusetts	492	0.75	565,375	1,013,520
Michigan	3,016	4.63	3,465,794	6,212,960
Minnesota	1,465	2.25	1,683,484	3,017,900
Mississippi	1,167	1.79	1,341,042	2,404,020
Missouri	1,507	2.31	1,731,748	3,104,420
Montana	787	1.21	904,370	1,621,220
Nebraska	756	1.16	868,747	1,557,360
Nevada	361	0.55	414,838	743,660
New Hampshire	1,094	1.68	1,257,155	2,253,640
New Jersey	1,298	1.99	1,491,578	2,673,880
New Mexico	716	1.10	822,781	1,474,960
New York	3,260	5.00	3,746,183	6,715,600
North Carolina	2,786	4.27	3,201,492	5,739,160
North Dakota	331	0.51	380,364	681,860
Ohio	2,222	3.41	2,553,380	4,577,320
Oklahoma	1,165	1.79	1,338,743	2,399,900
Oregon	1,123	1.72	1,290,480	2,313,380
Pennsylvania	3,129	4.80	3,595,646	6,445,740
Puerto Rico	357	0.55	410,242	735,420
Rhode Island	126	0.19	144,791	259,560
South Carolina	777	1.19	892,879	1,600,620
South Dakota	474	0.73	544,690	976,440
Tennessee	447	0.69	513,664	920,820
Texas	4,681	7.18	5,379,105	9,642,860
Utah	421	0.65	483,786	867,260
Vermont	623	0.96	715,912	1,283,380
Virginia	1,747	2.68	2,007,540	3,598,820
Virgin Islands	301	0.46	345,890	620,060
Washington	2,431	3.73	2,793,549	5,007,860
West Virginia	698	1.07	802,097	1,437,880
Wisconsin	2,008	3.08	2,307,465	4,136,480
Wyoming	290	0.44	333,249	597,400
Total	65,209	100.00	74,934,000	134,330,540

Dated: April 6, 2001.

Diane C. Regas,

Acting Assistant Administrator, Office of Water.

[FR Doc. 01–9482 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6966–3]

Public Water System Supervision Program Revision for the State of Alabama

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Tentative Approval.

SUMMARY: Notice is hereby given that the State of Alabama is revising its approved Public Water System Supervision Program. Alabama has adopted drinking water regulations requiring consumer confidence reports from all community water systems. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends on approving this State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by May 18, 2001, to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by May 18, 2001, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on May 18, 2001. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Alabama Department of Environmental Management, Water Division, Water Supply Branch, 1400 Coliseum Boulevard, Montgomery, Alabama 36110–2059; or at the Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Tom Plouff, P.E., EPA Region 4, Drinking Water Section at the Atlanta address given above or at telephone (404) 562–9476.

Authority: Secs. 1413 and 1414 of the Safe Drinking Water Act, as amended (1996), and 40 CFR parts 141 and 142.

Dated: March 23, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, EPA Region 4.

[FR Doc. 01–9594 Filed 4–17–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–897]

Public Safety National Coordination Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document advises interested persons of a meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in St. Louis, Missouri. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC. This notice advises interested persons of the thirteenth meeting of the Public Safety National Coordination Committee.

DATES: May 11, 2001 at 9:30 a.m.–12:30 p.m.

ADDRESSES: Police Board Room, 6th Floor, Police Headquarters, 1200 Clark Avenue, St. Louis, Missouri 63103.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael J. Wilhelm, (202) 418–0680, e-mail mwilhelm@fcc.gov. Press Contact, Meribeth McCarrick, Wireless Telecommunications Bureau, 202–418–0600, or e-mail mmccarri@fcc.gov.

SUPPLEMENTARY INFORMATION: Following is the complete text of the Public Notice: This Public Notice advises interested persons of the thirteenth meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in St. Louis, Missouri. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC.

Date: May 11, 2001.

Meeting Time: General Membership Meeting—9:30 a.m.–12:30 p.m.

Addresses: Police Board Room, 6th Floor, Police Headquarters, 1200 Clark Avenue, St. Louis, Missouri 63103.

The NCC Subcommittees will meet from 9:00 a.m. to 5:30 p.m. the previous day. The NCC General Membership Meeting will commence at 9:30 a.m. and continue until 12:30 p.m. The agenda for the NCC membership meeting is as follows:

1. Introduction and Welcoming Remarks
2. Administrative Matters
3. Report from the Interoperability Subcommittee, including user needs, if any, for both packet switched and circuit switched data on 700 MHz low speed data channels.
4. Report from the Technology Subcommittee, including status of development of a standard for interoperable high speed data transmission.
5. Report from the Implementation Subcommittee, including presentation of final model documents for use by 700 MHz regional planning committees.
6. Public Discussion
7. Other Business
8. Upcoming Meeting Dates and Locations
9. Closing Remarks

The FCC has established the Public Safety National Coordination Committee, pursuant to the provisions of the Federal Advisory Committee Act, to advise the Commission on a variety of issues relating to the use of the 24 MHz of spectrum in the 764–776/794–806 MHz frequency bands (collectively, the 700 MHz band) that has been allocated to public safety services. See The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 and Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96–86, *First Report and Order and Third Notice of Proposed Rulemaking,* FCC 98–191, 14 FCC Rcd 152 (1998), 63 FR 58645 (11–2–98).

The NCC has an open membership. Previous expressions of interest in membership have been received in response to several Public Notices inviting interested persons to become members and to participate in the NCC's processes. All persons who have previously identified themselves or have been designated as a representative of an organization are deemed members and are invited to attend. All other interested parties are hereby invited to attend and to participate in the NCC

processes and its meetings and to become members of the Committee. This policy will ensure balanced participation. Members of the general public may attend the meeting. To attend the thirteenth meeting of the Public Safety National Coordination Committee, please RSVP to Joy Alford or Bert Weintraub of the Policy and Rules Branch of the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau of the FCC by calling (202) 418–0680, by faxing (202) 418–2643, or by E-mailing at jalford@fcc.gov or bweintra@fcc.gov. Please provide your name, the organization you represent, your phone number, fax number and e-mail address. This RSVP is for the purpose of determining the number of people who will attend this thirteenth meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. Persons requesting accommodations for hearing disabilities should contact Joy Alford immediately at (202) 418–7233 (TTY). Persons requesting accommodations for other physical disabilities should contact Joy Alford immediately at (202) 418–0694 or via e-mail at jalford@fcc.gov. The public may submit written comments to the NCC's Designated Federal Officer before the meeting.

Additional information about the NCC and NCC-related matters can be found on the NCC website located at: http://www.fcc.gov/wtb/publicsafety/ncc.html.

Federal Communications Commission.

Jeanne Kowalski,

Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 01–9567 Filed 4–17–01; 8:45 am]

BILLING CODE 6712–01–U

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.: 002550–005.

Title: New Orleans/Maersk Terminal Lease Agreement.

Parties: The Board of Commissioners of the Port of New Orleans Maersk, Inc.

Synopsis: The proposed amendment permits Maersk to handle a limited amount of non-Maersk/CSX Lines cargo at its facility.

Agreement No.: 011618–001.

Title: APL/MOL/HMM Transpacific Slot Exchange Agreement.

Parties: American President Lines, Ltd., APL Co. PTE Ltd., Hyundai Merchant Marine Co., Ltd., Mitsui O.S.K. Lines, Ltd.

Synopsis: The proposed modification imposes uniform notice and withdrawal requirements on all parties and establishes specified matters upon which the parties can agree and procedures for so doing and implementing said matters, including variations in port calls, vessel complement, capitalization, slot-charter variations, and relationships with non-members.

Agreement No.: 011623–001.

Title: APL/MOL/HMM Asia—U.S. Atlantic Coast Space Sharing Agreement.

Parties: American President Lines, Ltd., APL PTE Ltd., Hyundai Merchant Marine Co., Ltd., Mitsui O.S.K. Lines, Ltd.

Synopsis: The proposed modification provides for uniform notice and withdrawal requirements for all members and provides procedures for agreeing on an implementing changes in various operating aspects, such as vessel complement, port rotation, slot-charter adjustments, capital requirements, organizational procedures, and relations with non-members.

Agreement No.: 011723–001.

Title: New World Alliance Facilitation Agreement.

Parties: American President Lines, Ltd., APL Co. PTE Ltd., Hyundai Merchant Marine Co., Ltd., Mitsui O.S.K. Lines, Ltd.

Synopsis: The proposed amendment specifies means for agreeing on and implementing variations in aspects of services offered, such as port rotation, vessel complement, adjustments in slot-charter arrangements, capitalization, relations with non-agreement parties, membership, and organizational matters.

Agreement No.: 011730–001.

Title: GWF/Dole Space Charter and Sailing Agreement.

Parties: Great White Fleet (US) Ltd., Dole Ocean Cargo Express, Inc.

Synopsis: The proposed amendment expands the agreement's geographic scope to include all U.S. Gulf ports and ports in Costa Rica and permits reciprocal space chartering between the parties.

Agreement No.: 011759.

Title: CSAV/CMA CGM Space Charter Agreement.

Parties: CMA CGM, S.A., Compania Sud-American De Vapores, S.A.

Synopsis: The proposed agreement establishes a vessel-sharing arrangement whereby CMA CGM will purchase space from CSAV in the trade between ports on the U.S. East Coast, including Puerto Rico, on the one hand, and ports in the Caribbean, Colombia, Panama, Ecuador, Peru, and Chile, on the other hand.

Agreement No.: 201120.

Title: Oakland/MTC License and Concession Terminal Agreement.

Parties: Port of Oakland, Marine Terminals Corporation.

Synopsis: The proposed agreement grants MTC rights to use certain premises in the Oakland Outer Harbor Area. The agreement runs through November 30, 2002.

By Order of the Federal Maritime Commission.

Dated: April 13, 2001.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 01–9618 Filed 4–17–01; 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: 14952N.

Name: Eagle Transportation Services, Inc.

Address: 848 Jewell Parkway, SW, Gainesville, GA 30501.

Date Revoked: April 3, 2001.

Reason: Failed to maintain a valid bond.

License Number: 3251NF.

Name: Escort Forwarding, Inc.

Address: 372 Doughty Blvd., Inwood, NY 11096.

Date Revoked: March 11, 2001.

Reason: Failed to maintain valid bonds.

License Number: 16587F.

Name: Fescargo Corporation.

Address: 1145 W. Walnut Street, Compton, CA 90220.

Date Revoked: March 15, 2001.

Reason: Failed to maintain a valid bond.

License Number: 7889N.
Name: Fleetwood Line, Inc.
Address: 765 Route 83, Suite 112, Bensenville, IL 60106.
Date Revoked: March 23, 2001.
Reason: Failed to maintain a valid bond.

License Number: 15443N.
Name: FY International, Inc.
Address: 805B Dillon Drive, Wood Dale, IL 60191.
Date Revoked: March 8, 2001.
Reason: Failed to maintain a valid bond.

License Number: 13165N.
Name: Lextrans.
Address: 10 Dana Street, P.O. Box 589, Portland, ME 04112.
Date Revoked: March 23, 2001.
Reason: Failed to maintain a valid bond.

License Number: 16123N.
Name: Mid Cities Motor Freight, Inc.
Address: 6006 Lake Avenue, St. Joseph, MO 64504.
Date Revoked: March 23, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4272F.
Name: P.J. Jantzen Industries, Ltd.
Address: 2701 Coyne, Elk Grove Village, IL 60007.
Date Revoked: March 28, 2001.
Reason: Failed to maintain a valid bond.

License Number: 13550N.
Name: Sea-Land Logistics, Inc.
Address: 6000 Carnegie Blvd., Charlotte, NC 28209.
Date Revoked: April 3, 2001.
Reason: Failed to maintain a valid bond.

License Number: 4559NF.
Name: Surfair, Inc. d/b/a Surflines.
Address: 485 Oak Place, Suite 385, College Park, GA 30349.
Date Revoked: March 8, 2001.
Reason: Failed to maintain valid bonds.

License Number: 3930N.
Name: Tantara Services, Inc.
Address: 46051 Michigan Avenue, Canton, MI 48188.
Date Revoked: May 1, 1999.
Reason: Failed to maintain a valid bond.

License Number: 2468N.
Name: USA Cargo Service Co.
Address: 1343 Terrell Mil Road, Suite 200, Marietta, GA 30067.

Date Revoked: June 22, 2000.

Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–9527 Filed 4–17–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary license 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 and address	Date reissued
3550N	Seair Export Import Services, Inc., 10480 NW South River Drive, Medley, FL 33178	February 9, 2001.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–9529 Filed 4–17–01; 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 an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary 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

World Way International Inc., 755 Route 83, Suite 215, Bensenville, IL 60106, Officers: Mei Ling Chao, Controller (Qualifying Individual), Edward Chou, President

Millennium Transportation Group, Inc., 1901 E. Lambert Road, Suite 104, LaHabra, CA 90631, Officer: Morris George Lepisto, Jr., President (Qualifying Individual)

West Consolidators Inc., 220 W. Ivy Avenue, Suite 200, Inglewood, CA 90302, Officers: Steve Lok, President (Qualifying Individual), Carlos Villalobos, Vice President

Wingar Logistics Inc., 9690 Telstar Avenue, Suite 207, El Monte, CA 91731, Officer: Alex S. Chia, President (Qualifying Individual)

JDK Logistics Inc., 12 Via Tronido, Rancho Santa Margarita, CA 92688, Officer: Henry C. Ho, President (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicant

Walker International Transportation LLC, 70 East Sunrise Highway, Suite 604, Valley Stream, NY 11581–1260, Officers: Emmett F. Walker, President (Qualifying Individual), Roger Noll, Vice President

Dated: April 12, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–9528 Filed 4–17–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY:

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information.

Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860)

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Reports

1. *Report title:* Transfer Agent Registration and Amendment Form.

Agency form number: FR TA–1.

OMB Control number: 7100–0099.

Frequency: On occasion.

Reporters: State member banks and their subsidiaries, bank holding companies, and certain nondeposit trust company subsidiaries of bank holding companies.

Annual reporting hours: 12.

Estimated average hours per response: 1.25 (registration), 0.17 (amendment).

Number of respondents: 7 (registrations), 15 (amendments) Small businesses are not affected.

General description of report: This information collection is mandatory (Sections 17A(c), 17(a), and 23(a) of the Securities Exchange Act of 1934 as amended (15 U.S.C. 78q-1(c)(1) and (2), 78(q)(3), and 78w(a)(1)) and is not given confidential treatment.

Abstract: The Securities Exchange Act requires any person acting as a transfer agent to register as such and to amend registration information when it changes. State member banks and their subsidiaries, bank holding companies, and certain nondeposit trust company subsidiaries of bank holding companies register with the Federal Reserve System by submitting form TA–1. The information collected includes the company name, all business addresses, and several questions about the registrant's proposed activity as a transfer agent. The Federal Reserve uses the information to act upon applications and to aid in performing its supervisory duties.

Board of Governors of the Federal Reserve System, April 12, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9561 Filed 4–17–01; 8:45 am]

BILLING CODE 6210–01–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 May 3, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Kent W. Lovell as co-trustee of the Voting Trust Agreement, Ashley, North Dakota; to acquire McIntosh County Bank Holding Company, Inc., Ashley, North Dakota, and thereby indirectly acquire voting shares of McIntosh County Bank, Ashley, North Dakota.

Board of Governors of the Federal Reserve System, April 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–9634 Filed 4–17–01; 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 May 11, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Foresight Financial Group, Inc., Rockford, Illinois; to acquire 100 percent of the voting shares of Lena Bancorp, Inc., Lena, Illinois, and thereby indirectly acquire voting shares of Lena State Bank, Lena, Illinois.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Bank of Mulberry Employee Stock Ownership Trust, Mulberry, Arkansas, to acquire 55.54 percent of the voting shares of Acme Holding Company, Inc., Mulberry, Arkansas; and thereby indirectly acquire voting shares of Bank of Mulberry, Mulberry, Arkansas.

2. Bank of Mulberry Employee Stock Ownership Trust, Mulberry, Arkansas, and its subsidiary, Acme Holding Company, Inc., Mulberry, Arkansas; to acquire 100 percent of and thereby merge with Mansfield Bankstock, Inc., Mansfield, Arkansas, and thereby indirectly acquire voting shares of Bank of Mansfield, Mansfield, Arkansas.

Board of Governors of the Federal Reserve System, April 12, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–9526 Filed 4–17–01; 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 May 14. 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Ameriana Bancorp, New Castle, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Ameriana Bank and Trust, SB, New Castle, Indiana (formerly known as Ameriana Bank and Trust of Indiana).

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Southern Development Bancorporation, Inc. Arkadelphia, Arkansas; to acquire 100 percent of the voting shares of Delta Bank and Trust, Drew, Mississippi.

Board of Governors of the Federal Reserve System, April 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–9632 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 3, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Community Financial Services, Inc., Atlanta, Georgia; to acquire CRE Valuation Group, Inc., Atlanta, Georgia, and thereby engage *de novo* in real estate appraisal activities pursuant to § 225.28(b)(2)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, April 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–9633 Filed 4–17–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01034]

Cooperative Agreement for a Program To Prevent Injuries Among Older Adults; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement to enhance the activities of an existing Resource Center with proven capacity and experience in the area of older adult injury prevention. This program addresses the ''Healthy People 2010'' focus area of Injury and Violence Prevention. The purpose of this program is to reduce injuries among older adults.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Note: Title 2 of the United States Code, Chapter 26, Section 1611 states that an organization, described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $234,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting the activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1 (Recipient Activities), and CDC will be responsible for the activities under 2 (CDC Activities).

1. Recipient Activities

(a) Expand and strengthen existing links and collaborative relationships with agencies, businesses, professional organizations, and academic institutions that focus on injury prevention among older adults.

(b) Evaluate the quality of currently available resources on older adult injuries and injury prevention strategies using standardized, systematic methods including but not limited to systematic literature reviews and reviews by subject experts.

(c) Identify gaps in current knowledge, research needs and/or needs for new technology. Design a systematic plan of action to address these needs that will expand the injury prevention field.

(d) Increase and broaden dissemination of injury prevention information by providing technical assistance and training to businesses, national, state and/or local agencies to translate research into injury prevention practice.

(e) Conduct qualitative research of injury prevention strategies. Based on the results, develop and evaluate educational programs designed to increase awareness and knowledge about preventing injuries among minority seniors.

2. CDC Activities

(a) Provide technical consultation, scientific assistance, and advice on all aspects of recipient activities.

(b) Collaborate, when necessary, in designing and analyzing results of proposed qualitative research to identify gaps in current knowledge, and assist in developing a systematic plan of action to address these needs.

(c) Provide scientific assistance, if necessary, about appropriate research and prevention methods to prevent older adult injuries.

(d) If applicable, the CDC Institutional Review Board (IRB) will review and approve any research protocol initially and on at least an annual basis until the research project is completed.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one inch margins, and unreduced 12 pt Times Roman (or equivalent size) font. Number each page consecutively and provide a complete table of contents. The entire application with appendices should be no longer than 70 pages total. The application must include a one-page abstract and summary of the proposed effort.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available at the following Internet address: www.cdc.gov, or in the application kit. On or before June 18, 2001, submit the application to the Grants Management Specialist identified in the ''Where To Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if it is either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated against the following criteria by an independent review group appointed by CDC.

1. Background and Need (15 percent)

The extent to which the applicant provides background information about their experience and capacity to accomplish the program, as demonstrated by relevant past or current injury prevention activities in this area.

2. Goals, Objectives, and Methods (30 percent)

The extent to which the applicant describes the overall goals and indicates the outcomes expected at the end of the project period. The extent to which the applicant describes the specific program objectives needed to accomplish each goal.

Where applicable, the extent to which the applicant conforms to the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants includes the process of establishing partnerships with community(ies) and recognition of mutual benefits.

3. Evaluation (25 percent)

The extent to which the applicant provides detailed descriptions for evaluation of each program component and for the overall operation of the Resource Center activities, including process, impact, and outcome evaluation measures. The extent to which the applicant demonstrates that there will be available staff with the expertise and capacity to perform the proposed evaluation.

4. Collaboration (15 percent)

The extent to which the applicant describes any proposed collaboration with a broad range of other entities, including academic institutions, State or local agencies, associations, professional organizations, local businesses, health care providers, civic organizations, local public officials, and the media.

The extent to which the applicant provides letters of commitment from each outside entity documenting their willingness, skills, and capacities to fulfil their specific roles and responsibilities.

The extent to which the applicant provides a clear description of the working relationships between the program and its partners.

5. Facilities, Staff, and Resources (15 percent)

The extent to which the applicant describes the facilities and resources that are available for this program.

The extent to which applicant describes proposed staffing, and includes job descriptions and curriculum vitae indicating the applicant's ability to carry out the objectives of the program. Descriptions should include the position titles, education and experience, capabilities,

and the percentage of time each person will devote to the program.

6. Budget and Justification (not scored)

The extent to which the applicant provides a detailed budget and narrative justification consistent with the stated objectives and planned program activities.

7. Human Subjects (not scored)

The extent to which the application adequately addresses the requirements of Title 45 CFR Part 46 for the protection of human subjects.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. semiannual progress reports;
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where To Obtain Additional Information'' section of this announcement.

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
AR–21 Small, Minority, Women-Owned Businesses
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a), 317(k)(2), 391, 392, 394, and 394A [42 U.S.C. 241(a), 247b(k)(2), 280b, 280b–1, 280b–2, 280b–3] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.136.

J. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC home page on the Internet: http://www.cdc.gov Click on ''Funding'' then ''Grants and Cooperative Agreements.'' To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

To obtain business management technical assistance, contact: Angelia Hill, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 01034, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146, Telephone (404) 488–2785, Email address aph8@cdc.gov.

For program technical assistance, contact: Judy Stevens, Ph.D., Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 4770 Buford Highway N.E., Mailstop K63, Atlanta, GA 30341–3724, Telephone (770) 488–4649, Email: jas2@cdc.gov.

Dated: April 11, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9565 Filed 4–17–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01062]

Programs to Prevent the Emergence and Spread of Antimicrobial Resistance in Swine As Food Animals; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) is implementing a multifaceted effort to address the problem of antimicrobial resistance. As part of this, CDC, in collaboration with the Food and Drug Administration Center for Veterinary Medicine, announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to provide assistance for the development and evaluation of demonstration projects to prevent and control the emergence and spread of antimicrobial resistance in swine as food animals. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases. For more information visit the internet site: http://www.health.gov/healthypeople.

The purpose of this program is to develop, implement, and evaluate a prudent antimicrobial use project to reduce the emergence, prevalence, and spread of antimicrobial resistance among target pathogens in swine as food animals.

The intention of this project is to develop and evaluate a ''prudent use of antimicrobial agents'' program in swine as food animal. It is hoped that this project would serve as a model towards the long-term goal of development of a national campaign for prudent antimicrobial use in swine as a food animal, and that additional resources towards achieving this goal would be provided by veterinary and animal industry organizations.

Programs should address the problem of antimicrobial resistance through interventions potentially including, but not limited to:

1. Promoting more judicious antimicrobial use (e.g., using antimicrobial agents only when needed, using appropriate doses of antimicrobial agents),
2. Reducing transmission of antimicrobial resistant microorganisms among food animals through good management practices,
3. Preventing colonization and infection of animals by pathogens through the use of probiotics, and
4. Improving the ability to provide effective narrow spectrum therapy by rapidly and accurately diagnosing resistant microorganisms through the use of improved laboratory testing procedures and improved quality and flow of laboratory data.

It is envisioned that the funded project will use a combination of approaches to achieve judicious antimicrobial use and other changes that will result in decreased appearance and spread of resistance. The funded project will also be expected to conduct a multifaceted evaluation of many aspects of the program, including assessing the costs and any cost-savings associated with any proposed intervention.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and

their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement contract, loan, or any other form.

C. Availability of Funds

Approximately $75,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to 3 years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities) and CDC will be responsible for conducting activities under 2. (CDC Activities).

1. Recipient Activities

a. Utilizing the selected food animal focus (swine) and the defined foodborne pathogens of interest (e.g., Salmonella, Campylobacter), develop a study protocol and describe the partnerships necessary to conduct the study, including a veterinary diagnostic laboratory, veterinary professional associations, and animal commodity groups.

b. Selecting the study population and identifying a population of adequate size for the purpose of the study. The population will likely include several farms and producers.

c. Defining, collecting, and analyzing baseline data, so that evaluation of the interventions can be done. This includes at a minimum collecting prevalence data on antimicrobial resistance among the target pathogens and measuring antimicrobial agent usage pattern before the intervention.

d. Designing and implementing an intervention promoting judicious antimicrobial use and other approaches to reducing antimicrobial resistance: It is anticipated that this will involve developing coalitions among veterinary professional societies, producers, commodity groups, and others, as well as implementing specific strategies. These strategies may include peer-education of veterinarians, producers, formulary guidelines, prescribing restrictions, and strategies which are likely to reduce transmission of pathogens. The choice of strategies should be justified based on the nature of the study population, and the infrastructure in which the study population receives veterinary care.

e. Measuring the effects of the intervention:

(1) Measuring the change in rates of antimicrobial resistance of organisms over time. Organisms whose resistance can be measured could include: human foodborne pathogens, animal pathogens, organisms that are opportunistic human pathogens (e.g., Enterococcus), normal animal fecal flora.

(2) Measurement of antimicrobial resistance should be accomplished by a laboratory with proven ability to perform measurements using a standard approved methodology, yielding a quantitative measure of resistance, such as mean inhibitory concentration or zone size.

(3) As decreases in resistance, as a result of the program, may take several months to years to manifest themselves, the recipient is responsible for measuring outcomes related to how well the interventions have been implemented.

(4) Measuring cost implications of the intervention. This should include impact of the intervention on direct costs (e.g., costs of antibiotics, veterinary care visits, duration of illness, etc.) and indirect costs (e.g., lost productivity, decreased feed efficiency, etc.). Costs of the intervention program must be differentiated from those of the evaluation.

(5) Consideration should be given to parallel measurements in a non-intervention group of animals, to better define the impact of the intervention.

f. Dissemination of research findings: Disseminating research results by appropriate methods such as publication in journals, presentation at meetings, conferences, etc.

2. CDC Activities

CDC, in collaboration with Food and Drug Administration Center for Veterinary Medicine, will provide technical assistance in the design and conduct of the research as resources permit. This may include:

a. Providing technical assistance in the design and conduct of the project, including intervention methods and analytic approach;

b. Performing selected laboratory tests as appropriate;

c. Assisting in data management, the analysis of research data, and the interpretation and dissemination of research findings, as appropriate; and

d. Assisting in the design of the evaluation, in particular, in the identification of outcome measures that will allow for later analysis of economic benefits.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 20 double-spaced pages (excluding appendices), printed on one side, with one inch margins, and unreduced (12 point) font, unbounded and unstapled.

F. Submission and Deadlines

Letter of Intent

In order to assist CDC in planning and executing the evaluation of applications submitted under this Program Announcement, all parties intending to submit an application are requested to inform CDC of their intention. Notification should include the following information: (1) Announcement number 01062; (2) name and address of institution; and (3) name, address, and phone number of contact person.

On or before May 15, 2001, the Letter of Intent should be provided by facsimile, postal mail, or E-mail, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS 398 [(OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398)]. Forms are in the application kit.

On or before June 15, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information Section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated

U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by CDC.

1. Background and Need (10 Points)

Extent to which applicant's discussion of the background for the proposed project demonstrates a clear understanding of the purpose and objectives of this cooperative agreement program. Extent to which applicant illustrates and justifies the need for the proposed project that is consistent with the purpose and objectives of this program.

2. Capacity and Personnel (30 Points Total)

a. Extent to which applicant describes adequate resources and facilities (both technical and administrative) for conducting the project. This includes the capacity to conduct quality laboratory measurements. (10 points)

b. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research and programs related to that proposed as evidenced by curriculum vitae, publications, etc. (15 points)

c. Extent to which applicant includes letters of support from non-applicant organizations, individuals, etc. Extent to which the letters clearly indicate the author's commitment to participate as described in the operational plan. (5 points)

3. Objectives and Technical Approach (60 Points Total)

a. Extent to which applicant describes specific objectives of the proposed project which are consistent with the purpose and goals of this program and which are measurable and time-phased. (10 points)

b. Extent to which the applicant describes swine as the population for study, including whether the results of a study in this population will be generalizable to other populations in the United States. Extent to which the applicant identifies microbes/resistance patterns for study that are of public health importance. (10 points) Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities. Extent to which applicant clearly identifies specific assigned responsibilities for all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for developing and conducting the proposed program and evaluation and extent to which the plan is adequate to accomplish the study objectives. The extent to which applicant describes the existence of or plans to establish partnerships. (20 points)

c. Extent to which the applicant describes any adequate and appropriate collaboration during various phases of the project. (10 points)

d. Extent to which applicant provides a detailed and adequate plan for evaluating study results (including laboratory data, data on prescribing practices, and data on direct costs and charges and indirect costs), as well as plans for evaluating progress toward achieving project objectives. (10 points)

4. Budget (Not Scored)

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of cooperative agreement funds.

5. Animal Subjects (Not Scored)

Does the application adequately address the requirements of PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of:

1. progress reports (semiannual);
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I.

AR–3 Animal Subjects Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) and 317(k)(2) of the Public Health Service Act [42 U.S.C. Sections 241(a) and 247b(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements''.

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Gladys Gissentanna, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone: (770) 488–2753, Email address: gcg4@cdc.gov.

For program technical assistance, contact: Frederick Angulo, DVM, PhD, Medical Epidemiologist, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, N.E., Atlanta, GA 30333, Telephone: (404) 639–3623, Email address: fja0@cdc.gov.

Dated: April 11, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9566 Filed 4–17–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegations of Authority

Notice is hereby given that I delegate to the Director, Office of Refugee Resettlement, with authority to redelegate, the following authority vested in the Assistant Secretary for Children and Families by the Secretary

under the Trafficking Victims Protection Act of 2000, Pub. L. No. 106–386, 114 Stat. 1464 (2000).

(a) Authority Delegated.

Authority to conduct certification activities under the Trafficking Victims Protection Act of 2000, Pub. L. No. 106–386, § 107(b)(1), 114 Stat. 1464, 1475 (2000). In exercising this authority, personnel in the Office of Refugee Resettlement will consult with the Attorney General.

(b) Effect on Existing Delegations.

None.

(c) This delegation shall be exercised under the Department's existing delegation of authority and policy on regulations. This delegation of authority is effective upon date of signature. In addition, I hereby affirm and ratify any actions taken by the Director, Office of Refugee Resettlement, or any other Office of Refugee Resettlement official which, in effect, involved the exercise of these authorities prior to the effective date of this delegation.

(d) Any redelegation shall be in writing and prompt notification must be provided to all affected managers, supervisors and other personnel.

Dated: April 10, 2001.

Diann Dawson,

Acting Principal Deputy Assistant Secretary.

[FR Doc. 01–9513 Filed 4–17–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–9007–N]

Notice of Change of Address for the Provider Reimbursement Review Board, the Medicare Geographic Classification Review Board, the Health Care Financing Administration Hearing Officer, and the Office of Hearings

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of change of address.

SUMMARY: This notice announces that the Provider Reimbursement Review Board, the Medicare Geographic Classification Review Board, the Health Care Financing Administration Hearing Officer, and the Office of Hearings, Office of Internal Customer Support, Health Care Financing Administration, Department of Health and Human Services will vacate their offices at 7500 Security Boulevard, Baltimore, MD 21244 and relocate to new offices.

DATES: The new address will be effective on May 21, 2001.

ADDRESSES: The new address will be 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670.

FOR FURTHER INFORMATION CONTACT: Steven Kirsh, (410) 786–2053.

SUPPLEMENTARY INFORMATION:

The Office of Hearings provides support services for both the Medicare Geographic Classification Review Board (MGCRB) and the Provider Reimbursement Review Board (PRRB) and, as appropriate, conducts reviews and hearings and issues the decisions of the Health Care Financing Administration (HCFA) Hearing Officer. The Office of Hearings receives all PRRB appeals, all MGCRB applications for reclassification, and any correspondence directed to the PRRB and MGCRB, and provides other administrative services for these boards.

Effective May 21, 2001, the address for the Provider Reimbursement Review Board, the Medicare Geographic Classification Review Board, the HCFA Hearing Officer, and the Office of Hearings will be 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670. This address must be used for all mail, courier, and hand deliveries. The post office boxes for both boards will no longer be used as of the effective date of the move. All PRRB appeals and all MGCRB reclassification applications and withdrawal requests and all other correspondence with the PRRB, MGRB, HCFA Hearing Officer, and Office of Hearings must be sent to the new address on the effective date of the change of address. Anything sent to the old addresses after the effective date of the move will be delayed, which may result in the document not being filed timely.

All hearings previously scheduled to be held at the old location on or after May 21, 2001 will be held at the new location. The main telephone number (410–786–2671), the FAX number (410–786–5298), and the individual telephone numbers for the PRRB, the MGCRB, the Hearing Officer, and the Office of Hearings will not change.

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

Dated: April 11, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–9589 Filed 4–17–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–27]

Notice of Submission of Proposed Information Collection to OMB Recertification of Family Income and Composition, Section 235(b), (i) and (j)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 18, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0082) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of

an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Contract and Subcontract Activity.

OMB Approval Number: 2502–0082.

Form Numbers: HUD–2516.

Description of the Need for the Information and its Proposed Use: Recertification information is submitted by homeowners to mortgagees to determine their continued eligibility for assistance and to determine the amount of assistance a homeowner is to receive. The information collected is also used by mortgages to report statistical and general program data to HUD.

Respondents: Individuals or households, Businesses or other for-profits.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Application	77,556		1.29		0.97		97,175

Total Estimated Burden Hours: 97,175.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 11, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–9542 Filed 4–17–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4560–FA–18]

Housing Opportunities for Persons With AIDS Program Announcement of Funding Awards—FY 2000

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces the funding decisions made by the Department under the Fiscal Year 2000 Housing Opportunities for Persons with AIDS (HOPWA) program. The notice announces the selection of 22 project applications and two Technical Assistance applications under the FY 2000 HOPWA national competition which were announced under the Super Notice of Funding Availability (SuperNOFA) for Housing Community Development and Empowerment Programs. The notice contains the names of award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: David Vos, Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Room 7212, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1934. The TDD number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers). Information on HOPWA, community development and consolidated planning, and other HUD programs may also be obtained from the HUD Home Page on the World Wide Web. In addition to this competitive selection, 101 jurisdictions received formula based allocations during FY 2000 for $207.2 million in HOPWA funds. Descriptions of the formula programs is found at *www.hud.gov/cpd/hopwahom.html.*

SUPPLEMENTARY INFORMATION. The purpose of the HOPWA program competition was to award project grants for housing assistance and supportive services under two categories of assistance: (1) Grants for special projects of national significance which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of low-income persons living with HIV/AIDS and their families; and (2) grants for projects which are part of long-term comprehensive strategies for providing housing and related services for low-income persons living with HIV/AIDS and their families in areas that do not receive HOPWA formula allocations.

The purpose of the HOPWA Technical Assistance competition was to award grants that provide support for program operations. HUD established national goals for these funds: (1) Ensuring the sound management of HOPWA programs; and (2) targeting resources to underserved population.

The HOPWA assistance made available in this announcement is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and was appropriated by the HUD Appropriations Act for 2000. The competition was announced in a SuperNOFA published in the **Federal Register** on February 24, 2000 (65 FR 9865). Each application was reviewed and rated on the basis of selection criteria contained in that Notice. A total of $23.6 million was awarded to the 22 highest rated project applications in their ranked order and two technical assistance applications for $1.74 million.

Public Benefit. The award of HOPWA funds to these 22 projects will significantly contribute to HUD's mission in supporting projects that provide safe, decent and affordable housing for persons living with HIV/AIDS and their families who are at risk of homelessness. The projects proposed to use HOPWA funds to support the provision of housing assistance to an estimated 2,700 low-income people with HIV/AIDS and their families. In addition, an estimated 5,100 persons with HIV/AIDS are expected to benefit from some form of supportive service or housing information referral service that will help enable the client to maintain housing and avoid homelessness. The recipients of this assistance are expected to be very-low income or low-income households. These 22 applicants also documented that the Federal funds awarded in this competition, $23.6 million, will leverage an additional $49 million in other funds and non-cash resources including the contribution of volunteer time in support of these projects, valued at $10/hour. The leveraged resources will expand the HOPWA assistance being awarded by 208 percent.

A total of $23.6 million was awarded to these 22 organizations to serve clients in the eighteen listed States:

FY 2000 HOPWA Competitive Awards by State

Alaska

The Alaska Housing Finance Corporation will receive $572,600 to continue to provide housing services for persons with HIV/AIDS in cooperation with its sponsor, the Alaskan AIDS Assistance Association. The grant builds

on prior HOPWA grants in 1994 and 1997 that were used to initiate the State's AIDS housing programs in this non-formula area. Housing and support services will be made available to 100 households in Anchorage and the southcentral, southwestern and western regions of the State. A comprehensive range of services will also be provided by Four As such as case management, employment services, treatment and transportation, especially in addressing needs to access health care in rural areas. Through a network of state agencies and community based organizations who have committed over $2,000,000 in resources, persons with HIV/AIDS will be able to continue to reside in their home communities by support services to meet needs of each client. For information contact: Kris Duncan, PO Box 101020, Anchorage, AK 99510; (907) 330–8276 or by email: kduncan@ahfc.state.ak.us.

California

The Salvation Army, Southern California Division, will receive a grant of $927,888 to support operating costs and supportive services at a 45-unit transitional and permanent housing program for families affected by HIV/AIDS. The Alegria housing project is being developed in the Silverlake district of Los Angeles and will serve clients in Los Angeles County. Alegria will support a range of housing options for clients with graduated services, including transitional support with intensive services, family services in independent living arrangements and care in a licensed residential facility. The project will adjust to changes in service needs and help maintain families as they transition through needs while remaining in their home residence. Over $9 million in other funds and in-kind services have been leveraged to develop this facility and operate the planned programs. For information contact: Lt. Colonel Alfred R.Van Cleef, Divisional Commander, 900 W. James M. Wood Blvd., Los Angeles, CA 90015, (213) 553–3253; or Jerry Hill by email: JerryAHill@aol.com.

The County of Sacramento, Department of Human Assistance will receive a grant of $1,300,142 for the Breaking Barriers Housing Project, a collaborative of human service agencies from both the Homeless Continuum of Care and the HIV Services Continuum in Sacramento. The primary partners in this collaborative are the AIDS Housing Alliance, and Volunteers of America. In addition, the Center for AIDS Research, Education and Services (CARES), the Sacramento Housing and Redevelopment Agency, and Breaking Barriers (a program of River City Metropolitan Community Church) will act as in-kind partners. This project will complete the continuum of care in this region by addressing an underserved population of persons who are homeless and avoid traditional shelter programs. The city will establish a 12-bed, 30-day emergency shelter to address this local gap in the continuum of housing and supportive services. The City is committing 120 tenant-based Section 8 assistance slots to provide permanent housing for clients who successfully complete transitional programs. For information contact: Cheryl Davis, Director, 2433 Marconi Avenue, Sacramento, CA 95821, (916) 874–4333 or by email: cmiles@saccounty.net.

The San Francisco Redevelopment Agency will receive $1,370,000 under the Special Projects of National Significance (SPNS) initiative to improve the current housing conditions for underserved homeless persons who are living with HIV/AIDS in the City and County of San Francisco. Catholic Charities of the Archdiocese of San Francisco will serve as the project sponsor in operating the Second Start Program that will assist homeless HIV/AIDS persons with support in getting a job or returning back to work through vocational training and independent living. The project will address re-entry issues such as discrimination, lack of recent work experience, and client uncertainty about the effects of income gains on disability and medical benefits. In addition, many clients may also need support to address homelessness, mental health and substance use issues. The program will combine the use of partial rent subsidies for 125 households with access to 10 units of services enriched SRO housing, as needed. The City and Catholic Charities are collaborating with the Public Health Institute and the Positive Resource Center and tested the program in an initial pilot effort. For information contact: James Morales, Executive Director, 770 Golden Gate Avenue, San Francisco, CA 94102: (415) 749–2479 or Olson Lee, Housing Manager, by email: Olson_Lee@ci.sf.ca.us.

Colorado

The Colorado Division of Housing will receive $1,370,000 to provide rental assistance and short-term rent payments and related services in the areas of the State outside of the Denver metropolitan area. Under the Colorado Housing Assistance Made Possible (CHAMP) program, the State will partner with the Colorado AIDS Project, The Boulder County AIDS Project, Western Colorado AIDS Project, South Colorado AIDS Project, and the North Colorado AIDS Project to operate the program in each region. The nonprofits will offer over 50 units of tenant-based rental assistance and assist 487 households with short-term rent payments to prevent homelessness. In addition, AIDS Housing of Washington will assist in developing a state-wide needs assessment and plan. The State agency will provide overall administrative oversight of the sponsors and will evaluate outcomes. The agency will also provide housing inspections directly or through affiliated local housing authorities. This is the first time that HOPWA funds are being awarded to establish AIDS housing programs in these areas which do not receive HOPWA formula grants. Champ builds on a long history of statewide collaboration and coordination of AIDS-related services and will incorporate $7,948,231 in leverage funds. An estimated 537 individuals living with HIV/AIDS and their families will receive some form of housing assistance. For information contact: Tom Hart, Division Director, 1313 Sherman Street, Room 518, Denver, CO 80203; (303) 866–4123 or Patrick Coyle by email: pat.coyle@state.co.us.

Georgia

The City of Savannah, Bureau of Public Development will receive a $1,197,572 grant to expand on its collaboration with Union Mission, Inc. and six other project sponsors with the Savannah-Chatham AIDS Continuum of Care. Under the AIDS Neighborhood Association of Savannah project, the City will acquire and renovate ten units of housing, directly across the street from Phoenix Place, a one-stop service and medical center for persons living with HIV/AIDS. The program will serve an underserved neighborhood with a high concentration of African-Americans. The project will expand the existing AIDS Continuum of Care to serve 50 percent more persons, streamline the intake process for housing services and expand substance abuse treatment. Housing placements will be coordinated by the Project House Call program and 120 persons are expected to receive housing assistance through the project. For information contact: Israel Small, Assistant City Manager, 6 East Bay Street, PO Box 1027, Savannah, GA; (912) 651–6520 or by email: Ismall@ci.savannah.ga.us.

Hawaii

In Honolulu, Gregory House Programs will receive funding to continue the supportive housing programs operating under their 1997 Special Projects of

National Significance award and allow for a continuum of services for persons with multiple diagnoses. This Hawaii nonprofit will receive $1,030,000 for housing programs for persons with HIV/AIDS who are living in the Honolulu metropolitan area under two components: 40 units of tenant-based rental assistance and operational costs for a 11-bed transitional housing facility. The transitional support will involve assessment and treatment services, case management, psychiatric services and physical health care as well as life skills, money management and other programs that promote independent living skills. For information contact: Michael Burnett, Executive Director, 770 Kapiolani Blvd., Suite 503, Honolulu, HI 96813 (808) 592–9022 or by email: Michael_Burnett@gregoryhouse.org.

Illinois

The AIDS Foundation of Chicago will receive $1,362,846 under the Special Projects of National Significance (SPNS) initiative to direct assistance to underserved racial and ethnic minority communities that have been impacted by AIDS and poverty. The Foundation will help build a Renaissance Care Network that assists persons living with HIV/AIDS, with a special focus on serving an underserved population of African-Americans who reside in the Greater Roseland area of Chicago, Illinois. The project will also foster better collaboration with the community project sponsors: the Christian Community Health Center, the Clinic in Altgeld, Community Supportive Living Services, South Side Help Center and Universal Family Connection. The HOPWA funds will be used to lease 21 scattered site apartments and an array of supportive services relating to HIV counseling, testing, outreach, medical care, parenting, child care, substance abuse and mental health. During the grant period there will be 150 HIV/AIDS persons receiving some form of housing assistance. For information contact: Mark Ishaug, Executive Director, 411 South Wells Street, Suite 300, Chicago, IL 60607; (312) 922–2322 or Shelly Ebbert by email: *sebbert@aidschicago.org.*

Kentucky

In Kentucky, the Commonwealth's Kentucky Housing Corporation will receive $1,320,000 to support the Statewide HIV/AIDS Integrated Substance Abuse and Housing Initiative. The project will serve more than 490 persons by establishing a substance abuse treatment network that covers all 120 of Kentucky's counties, both urban and rural. Activities will be undertaken in collaboration with four non-profit project sponsors: AIDS Volunteers in Lexington; Heartland CARES, Inc. in Paducah; Transitions, Inc. in Covington; and Volunteers of America of Kentucky, Inc in Louisville. The project is an expansion and renewal of a FY 1997 HOPWA competitive grant. Short-term housing assistance will reach 231 homeless or low-income persons with chemical dependencies in connection with substance abuse treatment services and serve as a gateway to other continuum of care assistance. For information contact: F. Lynn Luallen, CEO, or Kimberly Burris, 1231 Louisville Rd., Frankfort, KY 40601; (502) 564–7630 x414 or email: kburris@kyhousing.org.

Maine

The AIDS Project (TAP) of Portland will receive $1,333,286 to continue its successful competitive SPNS program in Southern Maine and expand services to underserved persons in rural areas in the remaining areas of the State where no HOPWA funds have previously been available. TAP operates in conjunction with three sponsors in the Portland area, Peabody House, AIDS Lodging House and Shalom House and collaborates with other providers. Assistance creates a range of housing options, including 63 units of tenant-based rental assistance, 39 units of emergency shelter, 42 units of short-term rent, mortgage and utility assistance, 192 security deposits to secure housing, 6,000 hours of volunteer support for clients and a range of supportive services. The Housing Assistance and Volunteer Enlistment Network (HAVEN) is the first and only collaborative effort in Maine dedicated to comprehensively addressing the complex housing and supportive service needs of people living with HIV/AIDS. For information contact: George Friou, MPH, Executive Director, The AIDS Project, PO Box 5304 Portland, Maine 04101 (207) 774–6877 or by email: gfriou@aidsproject.org.

Maryland

The Health Care for Homeless, Inc. will receive $1,301,703 in order for them to create Project Connect to assist an underserved population of medically fragile HIV+ homeless persons in Baltimore. HCH is collaborating with Project PLASE (People Lacking Ample Shelter and Employment) as the sponsoring agency and build on findings from the City's multiple diagnoses initiative efforts in reducing barriers for clients with difficult challenges. The Project will connect housing support for 180 clients with a new level of intensive case management and comprehensive services to address the needs for the homeless or those at risk of homelessness and medically fragile. Clients will connect to efforts through the City's new Maryland Community Resource Center, a drop in center for persons with HIV/AIDS and site for service programs. The project uses a 12-bed transitional facility near the center that is operated by Project PLASE with a commitment for placement in a variety of permanent supportive housing options. Services will include personal care, chore services as well as a range of treatment programs to help clients maintain compliance with medical regime and enhance behavioral skills. For information contact: Jeff Singer, President and CEO, 111 Park Ave., Baltimore, MD 21201; (410) 837–5533 ext. 301 or Laura Gillis ext. 313 by email: lmgillis@yahoo.com.

Massachusetts

In suburban areas around Boston, Cambridge Cares About AIDS (CCAA) will receive funds for a collaboration with the Quincy Interfaith Shelter Coalition (QISC) and North Shore Community Action Program. The effort will receive $1,326,917 to support the Bay State Supportive Housing Alliance program in filling a gap in housing services by providing 24 units of transitional housing up to 24 months to individuals and families living with HIV/AIDS across Eastern Massachusetts; an estimated 82 persons will be assisted. Each provider will lease 8 units of transitional housing for clients. BSSHA will be the only program in the state that provides scattered site rental subsidies and support services while utilizing the harm reduction model for persons with HIV/AIDS and substance use histories. Services will include health promotion, including preventive case management; substance use adherence, and nutrition counseling; housing advocacy, including search and placement in permanent housing; financial advocacy, mental health counseling and aftercare stabilization. By leveraging other programs for permanent housing and existing supportive services within eastern Massachusetts, BSSHA will be able to ensure that support will remain constant after the participants complete the program and graduate into independent housing. Contact: Dan Curley, Executive Director, CCAA, 678 Massachusetts Avenue, Suite 402, Cambridge, MA 02139, Telephone (617) 661–3040 or by email: dcurley@ccaa.org

Mississippi

The South Mississippi AIDS Task Force will receive $935,500 to construct and operate Client House, in order to expand the amount of available emergency shelter and transitional housing for low income and homeless people living with AIDS and their families. The planned facility will house 12 individuals and 2 families in Biloxi and will serve the southern six counties of the State. In using this central location to consolidate service programs at one site, access should increase for clients residing in rural areas. The project is being coordinated with the Mississippi Department of Health and 25 organizations that provide related supportive services for clients, including addressing transportation needs in rural areas, treatment, independent living skills training, personal money management education and case management services. The preliminary construction design plan involves the use of eight bedrooms with a shared kitchen, living room, meeting rooms, library and office space on the first floor for delivery of service programs. In addition, the project will access the State's short-term payment program to assist clients in remaining in their current homes. For information contact: Yancy Pogue, Executive Director, PO Box 8009, Biloxi, MS 39535–8009; (228) 385–1214 or email: BSLYancy@aol.com.

New Jersey

Catholic Community Services (CCS) will receive a grant of $1,191,285 for operating costs for the St. Martin DePorres Residence, an eight unit supportive housing facility that will house multiply diagnosed people in the terminal stages of AIDS in Jersey City. St. Martin DePorres Residence will provide housing and 24-hour supportive services and palliative care to an estimated 32 multiple diagnosed homeless persons living with HIV/AIDS over the proposed 36-month project period. Through this project persons who would normally be homeless and not have access to end of life care will receive less costly non-institutional care. To support this project, Catholic Community Services has leveraged over $1.2 million in private and federal funding and will contribute leasehold interest in the building to house the St. Martin DePorres Project. For information contact: Rev. Msgr. Dennis Mahon, PhD, Executive Director, Hudson County Division, 494 Broad Street, Newark, NJ 07102, (201) 798–9923 or Elizabeth Patterson on email: elizpatt@excite.com.

New York

The Church Avenue Merchants Block Association, Inc. (CAMBA) will receive $1,080,000 to renew its HIV multiple diagnoses initiative program Housing Start. The project provides scattered site apartments in Brooklyn for forty (40) low income homeless persons living with HIV, who are homeless and have mental illness or chemical additions or both. Housing support is combined with innovative treatments and comprehensive culturally sensitive services. The funding allows for two innovations: Treatment education and intensive independent living skills training (Project Rise Reaching Independence and Self Empowerment). The project will link HIV, substance abuse, mental health services, treatment, education, health care intensive independent living skills training and other supportive services with housing assistance to maximize independent living and self determination. Housing Start will also provide acupuncture as a therapy for alcohol and drug addition, harm reduction counseling, housekeeping, case management, entitlement advocacy, home care as needed, educational/vocational training and recreational activities. Most services will be on site and will be in-kind contributions through CAMBA's other HIV/AIDS programs. For information contact: Joanne M. Oplustil, 1720 Church Ave., Brooklyn, NY 11226; (718) 287–2600 or by email: oplustil@worldnet.att.net.

In Brooklyn, Housing Works, Inc., will establish a transitional housing program to address the specialized needs of women who are living with HIV/AIDS and coming out of the criminal justice system. The program will provide 12 units of transitional housing and a range of supportive services to reinforce behavioral changes as clients begin to reintegrate into the community. The $703,177 grant will link a minimum of 75 women living with HIV/AIDS pending release or recently released from incarceration into the continuum of AIDS services, including housing and medical services. Housing Works will provide transitional housing to a minimum of 20 of these women with ''bridge'' support such as security deposits and moving expenses into permanent housing, and a full range of medical, clinical, psycho-social, case management services to a minimum of 18 clients. Contact: Keith Cylar, Executive Director, 594 Broadway, Suite 700, New York, NY 10012; (212) 966–0466 x275 or email: cylar@housingworks.org.

The Fortune Society will receive $1,274,875 to develop the Coming Home Program designed to meet the needs of HIV positive homeless persons who are released from jails and prisons. This population is an underserved primarily African American and Latino population which is characterized by extensive substance abuse and face significant barriers to needed services. The program will assist 125 clients with support in permanent housing after a transition through a continuum of housing modalities—emergency, transitional, supported permanent and independent permanent housing. The program will construct a facility for 12 beds for emergency and transitional housing in West Harlem that will continue as a permanent resource for the target population. A revolving loan fund will be established for clients who have been approved for entitlements but who are struggling with delays in receipt of checks. Housing services will be coupled with a broad range of supportive services needed to stabilize clients and provide them with the skills and resources needed to independently maintain housing. The program is a collaborative sponsored by the Fortune Society, drawing upon a network of referral agencies, emergency and transitional housing providers, government agencies, carefully selected realtors and a broad array of social service organizations used to provide supportive services. Contact: JoAnne Page, Executive Director, 53 West 23rd Street, New York, NY 10010; (212) 891–7554 or Brian Robinson by email: brian@fortunesociety.org.

The Center for Children and Families will receive $1,278,906 to continue New York City's first system-wide housing assistance program for homeless HIV and multiple diagnosed minority youth from 18–24 years old. Initiated under their 1997 Special Projects for National Significance award, the Center's objective is to outreach to HIV and multiple-diagnosed homeless youth in the Times Square area. An estimated 270 youth will be assisted with overnight shelter and other support. This program involves the operation of a number of specialized facilities, such as SafeSpace, a 24 hour drop in center, and using two mobile home units which canvass homeless youth on the streets. Services include client-driven conflict management resolution, day treatment programs, and overnight housing. The program operates at four sites, with day treatment programs as SafeSpace, and shelter provided at SafeHaven, a homeless youth facility for persons aged 16–24 years, Ali Forney House, a

transitional housing program for homeless gay and transgender males, and SafeHome, a transitional living residence for homeless youth with multiple diagnoses. For information contact: Beverly Brooks, Executive Director, 295 Lafayette Street, Suite 920, New York, NY 10012; (212) 226–3536 or by email: bbrooks@kidsuccess.org

Pennsylvania

To help address underserved needs in rural areas, the Family Health Council of Central PA, Inc., in Camp Hill will receive a grant for $367,040 to establish a program that links health to housing for clients in a 14 county region of south and central Pennsylvania. The program will rely on eight area sponsors: The AIDS Community Alliance; the AIDS Community Resource Program; the AIDS Intervention Project; Betty Finney House/Wellspring Corporation; HOPE House; Keystone Health Center; Ordinary People, Extraordinary Needs; and York Health Corporation. These providers will deliver rental assistance support to an estimated 150 clients, especially women with HIV/AIDS in rural areas, and operate under the State's standards of care for a planned one year of operations. For more information: Cindy Groff, President & CEO, Suite 200, 3461 Market Street, Camp Hill, PA 17011–4441; (717) 761–7380 or Susan Goldy by email: goldy@fhccp.org.

Texas

The Bexar County, Department of Housing and Human Services will receive $1,320,000 to target assistance to an underserved population of women with HIV/AIDS with children. Working with its sponsor, the San Antonio Alternative Housing Corporation and a number of partners for services, the County will assist 28 families who are homeless or at risk of becoming homeless. Funds will be used to acquire and rehabilitate a building into an eight unit transitional housing facility to be coordinated with treatment and family services. This initiative will help stabilize women in housing, help address health concerns, and when able to move on, connect to permanent housing solutions, such as in housing operated by the House of Hope. For information contact: Jose E. Castillo, Executive Director, 233 North Pecos, Suite 590, San Antonio, Texas 78207; (210) 335–3666 or by email: jcastillo@co.bexar.tx.us.

Vermont

The Burlington Housing Authority will receive $471,392 to continue a program offering rental assistance and support services for residents of an 11-unit supportive housing project that was developed through a HOPWA 1996 competitive grant in a non-formula area. Vermont Cares serves as the project sponsor for the range of supportive services made available to residents. Funds will be used in combination with other public and private funding. The new component will increase housing options by providing rental assistance and support services for ten households of individuals and family living with HIV in Chittenden County. For information contact: Paul Dettman, Executive Director, 230 St. Paul Street, Burlington, VT 05401; (802) 64–0538 or by email bha@together.net.

Wyoming

The Wyoming Department of Health will receive $588,191 to expand on its previous statewide HOPWA Grant in a non-formula area. The State's 1997 program was converted from housing in a transitional facility to a short-term rent payments program in response to client requests. Funds will allow the State and its sponsors, the Wyoming AIDS Project and Casper Housing Authority to continue to meet supportive service needs and address short-term housing needs of 175 low-income people living with HIV/AIDS throughout Wyoming. Housing information referrals and over 15,000 hours of volunteer support will be used to help persons maintain independent living. For information contact: Karl Musgrave, D.V.M., M.P.H., Administrator, Hathaway Building, 4th Floor, Cheyenne, WY 82002; (307) 777–7958 or by email: TFoley@State.WY.US

Nation-Wide HOPWA Technical Assistance

The AIDS Housing Corporation

The AIDS Housing Corporation (AHC) of Boston, MA will provide regional HOPWA technical assistance in Massachusetts and the other New England States. The award of the National HOPWA Technical Assistance funds of $670,000 will allow AHC to expand on activities originally funded through its prior HOPWA awards for three Special Projects of National Significance in 1995, 1997 and 1998. AHC will further its efforts by addressing HUD's goals established in the FY 2000 SuperNOFA by increasing the sound management of HOPWA programs and assisting organizations targeting underserved populations.

AHC will provide assistance to communities and organizations in New England through a five pronged approach of: (1) Needs assessments; (2) program evaluation; (3) project development, operation, and management; (4) research, training and publications; and (5) community-wide systems development. Through these efforts, AHC will work to strengthen the collaborative relationship between service providers and increase their organizational capacity to manage and operate complex housing and supportive service programs. As a part of their TA efforts, AHC will collaborate with Connecticut AIDS Residence Coalition (CARC) to complete an extensive needs assessment and planning project for the state to gain an objective understanding of the housing and service needs of persons living with HIV and AIDS. AHC will also conduct two emergent needs assessments on changing needs in the epidemic, such as harm reduction housing, assistance for ex-offenders, cultural competency in service delivery and correlative issues of poverty and substance use and mental health challenges. Some of AHC publications are tri-lingual, in helping English, Spanish and Haitian Creole speaking persons undertake housing searches. In the Spring of 2002, AHC will host the Second New England AIDS Housing Conference based on their successful regional training event, Under One Roof, held last summer. AHC also will continue development of peer evaluations under state-wide Standards of Care in AIDS housing and provide hands-on consultations, including collaborations on housing development projects and service programs. AHC will establish a Program Manger Institute to help build capacity in nonprofit organizations and establish a consumer forum to promote citizen and resident participation in community planning.

AIDS Housing Corporation is a partner in the national HOPWA TA project, Partners in AIDS Housing National Technical Assistance (PAHNTA) along with AIDS Housing of Washington, Inc. of Seattle, WA and Bailey House of New York, both of whom are HOPWA TA providers. AHC also works with other organizations, such as the Technical Assistance Collaborative, on similar efforts under other HUD programs. For information contact: Joe Carleo, Executive Director, AIDS Housing Corporation, 29 Stanhope Street, Boston, MA 02116, (617) 927–0088; (617) 927–0852 fax, (617) 927–9576 TTY; email: jcarleo@ahc.orgwww.AHC.org

AIDS Housing of Washington, Inc.

AIDS Housing of Washington, Inc., (AHW) in Seattle, WA, will continue and expand technical assistance services with the award of $1,068,238 in

National HOPWA Technical Assistance funds. The project addresses the two goals established in HUD's SuperNOFA in supporting the Sound Management of HOPWA Programs and Projects and in Targeting Resources to Underserved Populations. AHW is collaborating with other providers, such as Bailey House, Inc., Abt Associates, the Corporation for Supportive Housing, the AIDS Housing Corporation and others to offer support and guidance to nonprofit organizations and State and local governments in planning, operating and evaluating housing assistance for persons who are living with HIV/AIDS and their families. Activities will be carried out on a nation-wide basis. AHW is now organizing the Fourth National Conference on HIV/AIDS Housing, Opening Doors and Keeping Them Open, that is scheduled for June 14–17, 2001 in Denver. The conference will offer a variety of workshops and training institutes to help develop and manage housing programs, address needs of special populations, refine collaborations, expand project financing, make use of monitoring and quality standards, and enhance strategies to sustain operations for long-term project viability.

AHW will also provide direct assistance to a community that receives HOPWA funds to help it establish and enhance the area's comprehensive strategies for HIV/AIDS housing. Activities will focus on in-depth hands-on technical assistance and more general approaches in training, such as development of consumer survey instruments, publications on standards in operating programs, training on fiscal accountability and assistance in data collection efforts and evaluation and dissemination of performance results. In connection with other HOPWA grants for Special Projects of National Significance, the AHW team will help support new outreach efforts to better address the unmet needs of underserved populations, such as racial and ethnic minorities, women and persons living in rural areas. AHW will promote the participation of a broad diversity of organizations, professionals and consumers in undertaking its technical assistance activities. AHW will sponsor the second AIDS Housing Leadership Institute in 2001 and other regional and national meetings with providers and grantees. Training efforts will help build greater capacity for leadership in nonprofits and agencies that offer housing and related support to persons with HIV/AIDS. Graduates of the institute are expected to serve a peer leaders in their region in assisting other organizations enhance their operations. In addition, national meetings of HOPWA formula grantees will be held under this grant in 2002 and 2003 as well as post-award training on startup for new grantees selected in 2001–2003.

AHW will also assist in providing information on housing resources at other AIDS-related events, such as the United States Conference on AIDS that is hosted annually by the National Minority AIDS Project. In addition, a resource library and database on AIDS housing providers is maintained. In responding to requests, AHW will negotiate an appropriate scope of work to be undertaken and coordinate the technical assistance with area HUD offices. For information contact: Donald Chamberlain, Director of Technical Assistance, AIDS Housing of Washington, 2025 First Avenue, Suite 420, Seattle, WA 98121 (206) 448–5242, (206) 441–9485 fax, email: *donald@aidshousing.orgwww.aidshousing.org.*

Total for all 22 program grants	$23,600,000
Total for all Technical Assistance grants	1,738,238
Total	25,338,238

Dated: April 11, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary, Office of Community Planning and Development.

[FR Doc. 01–9544 Filed 4–17–01; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4570–FA–04]

Announcement of Funding Awards; Fair Share Allocation of Incremental Voucher Funding for Fiscal Year 2000

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the FY 2000 Notice of Funding Availability (NOFA) for the Fair Share Allocation of Incremental Voucher Funding for Fiscal Year 2000. This announcement contains the consolidated names and addresses of those award recipients selected for funding based on the rating and ranking of all applications within each State and the allocation of vouchers and funding available for each State.

FOR FURTHER INFORMATION CONTACT: For questions concerning the FY 2000 Section 8 Fair Share Allocation of Incremental Voucher awards, contact the Office of Public and Indian Housing's Grant Management Center, Director, Michael E. Diggs, Department of Housing and Urban Development, Washington, DC, telephone (202) 358–0221 (this is not a toll-free number). For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1 (800) 877–8339.

SUPPLEMENTARY INFORMATION: The authority for the approximately $346,560,000 in one-year budget authority for Section 8 vouchers for low-income families is found in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2000 (Pub. L. 106–74, approved October 20, 1999). The allocation of housing assistance budget authority for Section 8 vouchers, by State based on fair share factors, is pursuant to the provisions of 24 CFR part 791, subpart D, implementing section 213(d) of the Housing and Community Development Act of 1974, as amended.

This program provides vouchers for issuance to families on a PHA's Section 8 waiting list to enable these families to rent decent, safe, and affordable housing of their choice on the private rental market.

The Fiscal Year 2000 awards announced in this Notice were selected for funding in a competition announced in a **Federal Register** NOFA published on March 10, 2000 (65 FR 13222), amended on May 18, 2000 (65 FR 31584), and further corrected on June 19, 2000 (65 FR 37995). Applications were scored based on the selection criteria in that NOFA and funding selections were made based on the rating and ranking of applications within each State.

The Federal Domestic Assistance number for this program is 14.857.

The amount announced in the NOFA for Section 8 Fair Share vouchers was approximately $346,560,000. The Fair Share allocations to States based upon housing needs announced in the NOFA added up to $352,598,385. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing in Appendix

A the names, addresses, and amounts of the 501 awards made under the Fair Share Allocation State competitions. Also published are three additional awards made to the San Diego Housing Commission, Tallahassee Housing Authority, and Roseville Housing Authority to correct technical errors made during processing.

Dated: March 29, 2001.

Gloria J. Cousar,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

Appendix A—Recipients of Funding Awards for Fair Share Allocation of Incremental Voucher Funding for FY 2000

Applicant name	Address, city, state, zip	Vouchers	Amount
Tarrant, Alabama Housing Authority (AL013)	624 Bell Avenue, Tarrant, Alabama 35217–0000	11	$42,835
Housing Authority Leeds (AL069)	P.O. Box 513, Leeds, Alabama 35094–0000	18	65,051
Housing Authority of the City of Albertville, AL (AL121)	P.O. Box 1126, 711 South Broad Street, Albertville, Alabama 35950–1126.	40	121,149
Housing Authority of the City of Foley (AL165)	302 4th Avenue, Foley, Alabama 36535–0000	31	129,864
Housing Authority of the City of Dothan (AL007)	P.O. Box 1727, Dothan, Alabama 36302	50	171,425
City of Opelika Housing Authority (AL061)	1706 Toomer Street, P.O. Box 786, Opelika, Alabama 36803–0786.	49	177,376
Housing Authority of the City of Decatur, Alabama (AL048).	100 Wilson Street, NE, P.O. Box 878, Decatur, Alabama 35602–0878.	83	317,830
The Tuscaloosa Housing Authority (AL077)	2808 10th Avenue, P.O. Box 2281, Tuscaloosa, Alabama 35403.	98	319,775
Housing Authority of the City of Huntsville, Alabama (AL047).	200 Washington Street, P.O. Box 486, Huntsville, Alabama 35804–0000.	99	398,147
Housing Authority of the Birmingham District (AL001)	P.O. Box 55906, Birmingham, Alabama 35255–5906	100	453,711
Housing Authority of the City of Prichard, Alabama (AL169).	P.O. Box 10307, Prichard, Alabama 36610–0000	175	801,496
Alaska Housing Finance Corporation (AK901)	4300 Boniface Parkway, P.O. Box 101020, Anchorage, Alaska 99510–1020.	310	1,770,241
Williams Housing Authority (AZ041)	620 West Sheridan Avenue, Williams, Arizona 86046–0000.	3	14,118
City of Douglas Housing Authority (AZ037)	425 Tenth Street, Douglas, Arizona 85607–0000	8	36,216
Housing Authority of the City of Camden (AR016)	800 North Monroe Avenue, P.O. Box 39, Camden, Arizona 71711–0000.	14	40,768
Housing Authority of the City of Flagstaff (AZ006)	P.O. Box 2098, Flagstaff, Arizona 86003–0000	8	46,200
Desha County Residential Housing Facilities Board (AR266).	P.O. Box 725, McGehee, Arizona 71654–0000	20	80,820
Mohave County Housing Authority (AZ043)	P.O. Box 7000, Kingman, Arizona 86402	19	96,121
Housing Authority of the City of Yuma (AZ035)	1350 West Colorado Street, Yuma, Arizona 85364–0000	37	186,073
City of Tempe Housing Authority (AZ031)	P.O. Box 5002, 132 E. Sixth Street, Suite 201, Tempe, Arizona 85280–5002.	50	264,400
Pima County Housing Authority (AZ033)	310 N. Commerce Park Loop, Tucson, Arizona 85745–0000.	52	291,356
Benton Public Housing Authority (AR175)	1200 West Pine, P.O. Box 1018, Benton, Arizona 72018	94	385,118
City of Glendale Neighborhood Services Division (AZ003)	6842 North 61st Avenue, Glendale, Arizona 85301–3199	75	389,700
The City of Mesa Housing Authority (AZ005)	415 N. Pasadena, Mesa, Arizona 85201–5916	105	517,650
City of Tucson, Community Services Department (AZ004)	10 East Broadway, P.O. Box 27210, Tucson, Arizona 87526–7210.	178	947,494
City of Phoenix Housing Department (AZ001)	830 East Jefferson Street, Phoenix, Arizona 85034–2298	178	964,226
Pike County Housing Authority (AR045)	P.O. Box 241, Mufreesboro, Arkansas 71958–0000	10	31,180
McGehee Arkansas Public Residential Housing Facilities Board (AR257).	P.O. Box 725, McGehee, Arkansas 71654–0000	20	65,280
Lee County Housing Authority (AR225)	100 West Main, Marianna, Arkansas 72360–0000	50	147,400
White River Regional Housing Authority (AR197)	P.O. Box 650, Melbourne, Arkansas 72556–0650	100	274,000
Lomita Housing Authority (CA139)	24300 Narbonne Avenue, Lomita, California 90717–0000	8	45,136
West Hollywood Housing Authority (CA145)	8611 Santa Monica Boulevard, West Hollywood, California.	9	52,047
Encinitas Housing Authority (CA155)	505 S. Vulcan Avenue, Encinitas, California 92024–0000	10	54,440
Lakewood Housing Authority (CA135)	5050 N. Clark Avenue, Lakewood, California 90712–0000.	20	109,940
Placer County Housing Authority (CA149)	11519 B Avenue, Auburn, California 95603–0000	25	110,175
Community Service Department, El Dorado County (CA151).	937 Spring Street, Placerville, California 95667–0000	34	172,074
City of Roseville Housing & Redevelopment (CA128)	405 Vernon Street, #1, Roseville, California 95678–0000	43	196,209
Housing Authority of the City of Madera (CA069)	205 North ''G'' Street, Madera, California 93637–0000	50	234,650
City of Carlsbad Housing Agency (CA077)	2965 Roosevelt Street, Suite B, Carlsbad, California 92008–0000.	50	286,700
Housing Authority City of Napa (CA073)	1115 Seminary Street, P.O. Box 660, Napa, California 94559–0660.	65	386,035
CDC of the City of Oceanside (Set-Aside) (CA132)	321 North Nevada Street, Oceanside, California 92054–0000.	69	387,711
Imperial Valley Housing Authority (CA143)	1401 D Street, Brawley, California 92227–0000	100	403,600
Housing Authority of the City of Santa Ana (CA093)	P.O. Box 1988 M–27, 20 Civic Center Plaza, 2nd Floor, Santa Ana, California 92702–0000.	62	446,400
City of Vacaville Housing Authority (CA125)	650 Merchant Street, Vacaville, California 95688–0000	81	466,641

Applicant name	Address, city, state, zip	Vouchers	Amount
Housing Authority of the City of Santa Barbara (CA076)	808 Laguna Street, Santa Barbara, California 93101	90	634,140
Community Development Commission of the City of Oceanside (CA132).	300 North Coast Highway, Nevada Street Annex, Oceanside, California 92504–0000.	113	634,947
Housing Authority of the City of Santa Rosa (CA088)	90 Santa Rosa Avenue, P.O. Box 1806, Santa Rosa, California 95402–1806.	99	650,232
Housing Authority of the City of San Buenaventura (CA035).	995 Riverside Street, Ventura, California 93001–1636	100	700,800
Housing Authority of the City of Glendale, California (CA114).	141 North Glendale Avenue, Room 202, Glendale, California 91206–0000.	127	746,379
Area Housing Authority of the County of Ventura (CA092)	1400 W. Hillcrest Drive, Newbury Park, California 91320–2721.	100	768,100
County of Marin Housing Authority (CA052)	4020 Civic Center Drive, San Rafael, California 94903–4173.	80	781,120
Housing Authority of the County of Merced (CA023)	405 U. Street, Merced, California 95340	192	880,896
Garden Grove Housing Authority (CA102)	P.O. Box 3070, Garden Grove, California 92842–0000	170	1,193,570
Housing Authority of the County of Kern (CA008)	525 Roberts Lane, Bakersfield, California 93308–0000	276	1,258,284
Sonoma County Housing Authority (CA085)	1440 Guerneville Road, Santa Rosa, California 95403–0000.	207	1,520,829
Housing Authority of the County of Monterey (CA033)	123 Rico Street, Salinas, California 93907–0000	268	1,571,284
Santa Barbara County Housing Authority (CA021)	P.O. Box 397, 815 West Ocean Avenue, Lompoc, California 93438–0397.	247	1,580,059
Housing Authority of the County of Stanislaus (CA026)	P.O. Box 581918, Modesto, California 95358–0000	354	1,648,932
Housing Authority of Fresno County (CA028)	1331 Fulton Mall, P.O. Box 11985, Fresno, California 93776–1985.	388	1,794,888
Housing Authority of the City of Fresno (CA006)	1331 Fulton Mall, P.O. Box 11985, Fresno, California 93776–1985.	409	1,946,022
Housing Authority of the City of Sacramento (CA005)	630 I Street, Sacramento, California 95814–0000	376	1,986,784
Housing Authority of the County of Los Angeles (CA002)	4800 Cesar Chavez Avenue, Los Angeles, California 90022–0000.	300	2,122,800
Housing Authority of the County of San Bernadino (CA019).	1053 North ''D'' Street, San Bernardino, California 92410	414	2,153,628
Housing Authority of the County of Sacramento (CA007)	630 I Street, Sacramento, California 95814–0000	409	2,287,537
Housing Authority of the County of Santa Cruz (CA072)	2160 41st Avenue, Capitola, California 95010–2060	244	2,320,928
Housing Authority of the County of Riverside (CA027)	5555 Arlington Avenue, Riverside, California 92504–0000.	500	2,501,500
Anaheim Housing Authority (CA104)	201 S. Anaheim Boulevard, Second floor, Anaheim, California 92805–0000.	479	3,052,667
County of San Mateo Housing Authority (CA014)	264 Harbor Boulevard, Building A, Belmont, California 94002–4017.	329	3,097,535
Oakland Housing Authority (CA003)	1619 Harrison Street, Oakland, California 94612–0000	550	4,360,400
Housing Authority of the County of San Diego (CA108)	3989 Ruffin Road, San Diego, California 92123–1890	822	4,439,622
Housing Authority of the County of Contra Costa (CA011)	3133 Estudillo Street, P.O. 2759, Martinez, California 94553–0000.	595	4,641,000
San Francisco Housing Authority (CA001)	440 Turk Street, San Francisco, California 94102–0000	507	4,797,741
San Jose Housing Authority (CA056)	505 West Julian Street, San Jose, California 95110–2300.	509	4,906,760
Orange County Housing Authority (CA094)	1770 North Broadway, Santa Ana, California 92706–0000.	740	5,032,000
San Diego Housing Commission (CA063)	1625 Newton Avenue, San Diego, California 92113–1038.	854	5,336,646
Housing Authority of the County of Santa Clara (CA059)	505 West Julian Street, San Jose, California 95110–2300.	750	7,891,500
Housing Authority of the City of Los Angeles (CA004)	2600 Wilshire Boulevard, Los Angeles, California 90057–0000.	2107	14,896,490
Fort Collins Housing Authority (CO041)	1715 West Mountain Avenue, Fort Collins, Colorado 80521–0000.	30	197,040
Housing Authority, City of Loveland (CO034)	375 West 37th Street, Loveland, Colorado 80538–0000	33	201,927
Lakewood Housing Authority (CO049)	Civic Center South, 480 South Allison Parkway, Lakewood, Colorado 80226–3127.	75	485,625
Housing Authority of the City of Aurora (CO052)	10745 East Kentucky Avenue, Aurora, Colorado 80012–0000.	92	513,636
Colorado Division of Housing (CO911)	1313 Sherman Street, 518, Denver, Colorado 80203–0000.	152	764,864
Colorado Springs Housing Authority (CO028)	30 South Nevada Avenue, Suite, 304 P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	156	852,384
Housing Authority of the City and County of Denver (CO001).	P.O. Box 40305, 1100 West Colfax Avenue, Denver, Colorado 80204–0000.	179	1,198,226
East Hartford Housing Authority (CT013)	546 Burnside Avenue, East Hartford, Connecticut 06108–0000.	28	176,179
Housing Authority of the City of Waterbury (CT006)	2 Lakewood Road, Waterbury, Connecticut 06704–0000	70	372,343
Housing Authority of City of New Haven (CT004)	360 Orange Street, P.O. Box 1912, New Haven, Connecticut 06509–9987.	100	743,511
Housing Authority of the City of Hartford (CT003)	475 Flatbush Avenue, Hartford, Connecticut 06106–0000	156	951,149
City of Hartford (CT051)	550 Main Street, Hartford, Connecticut 06103	177	1,181,491

Applicant name	Address, city, state, zip	Vouchers	Amount
Connecticut Department of Social Services (CT901)	25 Sigourney Street, Hartford, Connecticut 06106–0000	177	1,251,922
Dover Housing Authority (DE002)	76 Stevenson Drive, Dover, Delaware 19901–0000	28	149,492
Delaware State Housing Authority (DE901)	18 The Green, Dover, Delaware 19901–0000	28	163,268
District of Columbia Housing Authority (DC001)	1133 North Capitol Street, NE, Washington, District of Columbia.	116	984,724
Citrus County Division of Housing Services (FL147)	3600 W. Sovereign Path, Suite 147, Lencanto, Florida 34461–0000.	9	32,028
Lee County Housing Authority (FL128)	14170 Warner Circle, NW, N. Ft. Myers, Florida 33903–0000.	15	45,220
Deland Housing Authority (FL072)	300 Sunflower Circle, Deland, Florida 32724–0000	40	195,505
City of Daytona Beach Housing Authority (FL007)	118 Cedar Street, Daytona Beach, Florida 32114–0000	58	263,121
Pasco County Housing Authority (FL104)	14517 7th Street, Dade City, Florida 33523–0000	120	515,927
Tallahassee Housing Authority (FL073)	2940 Grady Road, Tallahassee, Florida 32312–0000	106	561,690
Orange County Division of Housing and Community Development (FL093).	525 East South Street, Orlando, Florida 32801–0000	105	574,375
Housing Authority of Brevard County (FL020)	615 Kurek Court, P.O. Box 540338, Merritt Island, Florida 32954–0338.	125	591,778
Hillsborough County Housing Assistance Community Improvement Department.	P.O. Box 1110, 9260 Bay Plaza Blvd., Suite 510, Tampa, Florida 33601.	126	635,291
Community Development Agency, City of Fort Myers (FL091).	3326 Martin Luther King Blvd., Fort Myers, Florida 33916–0000.	130	642,245
Palm Beach County Housing Authority (FL080)	3432 West 45th Street, West Palm Beach, Florida 33407–0000.	181	1,077,165
Housing Authority of Tampa (FL003)	1514 Union Street, Tampa, Florida 33607–0000	300	1,569,070
Hialeah Housing Authority (FL066)	70 East 7th Street, Hialeah, Florida 33921–0000	277	1,593,469
Broward County Housing Authority (FL079)	1773 North State Road 7, Lauderhill, Florida 33313–0000.	300	1,885,594
Miami Dade Housing Agency (FL005)	111 N.W. 1St. Street, 29th Floor, Miami, Florida 33125–0000.	599	3,716,419
Macon Housing Authority (GA007)	2015 Felton Avenue, P.O. Box 4928, Macon, Georgia 31208–0000.	163	617,516
Augusta Housing Authority (GA001)	P.O. Box 3246, Augusta, Georgia 30914–3246	201	877,656
Georgia Department of Community Affairs (GA901)	60 Executive Park South, N.E., Atlanta, Georgia 30329–2231.	318	1,339,078
Housing Authority, Dekalb County (GA237)	325 Swanton Way, Decatur, Georgia 30035–0000	272	1,664,170
The Housing Authority of the City of Atlanta, Georgia (GA006).	Section 8 Programs, 1720 Peachtree Street N.W., Suite 500, Atlanta, Georgia 30309–0000.	317	2,024,128
Guam Housing and Urban Renewal Authority (GQ901)	117 Bien Venida Avenue, Sinajana, Guam 96926–0000	78	729,066
Housing and Community Development Corporation of Hawaii (HI901).	P.O. Box 17907, Honolulu, Hawaii 96817–0000	79	627,576
Idaho Housing & Finance Association (ID901)	P.O. Box 7899, Boise, Idaho 83707–1899	47	200,925
Ada County Housing Authority (ID021)	680 Cunningham Place, Boise, Idaho 83702–0000	47	248,348
Boise City Housing Authority (ID013)	680 Cunningham Place, Boise, Idaho 83702–0000	47	250,933
Housing Authority of the City of Danville, Illinois (IL011)	P.O. Box 312, Danville, Illinois 61834–0312	50	172,000
Kendall County Housing Authority (IL137)	500A Countryside Center, Yorkville, Illinois 60560–0000	32	201,280
Housing Authority of the City of East St. Louis (IL001)	700 North 20th Street, East St. Louis, Illinois 62205–0000.	88	480,832
Lake County Housing Authority (IL056)	33928 North Route 45, Grayslake, Illinois 60030–1700	100	708,800
Rockford Housing Authority (IL022)	223 South Winnebago Street, Rockford, Illinois 61102–0000.	200	1,080,200
Housing Authority of Cook County (IL025)	310 South Michigan, 15th Floor, Chicago, Illinois 60604–4204.	300	2,275,200
Dupage Housing Authority (IL101)	128 S. County Farm Road, Suite A, Wheaton, Illinois 60187–0000.	343	2,505,615
Chicago Housing Authority (IL002)	626 West Jackson Boulevard, Chicago, Illinois 60661–5601.	699	5,187,978
Cannelton Housing Authority (IN043)	c/o Lincoln Hills Development Corporation, P.O. Box 336, Tell City, Indiana 47586–0000.	20	64,780
Housing Authority of the City of Seymour (IN056)	309 N. Chestnut Street, P.O. Box 822, Seymour, Indiana 47274–0000.	24	74,184
New Castle Housing Authority (IN050)	274 South 14th Street, New Castle, Indiana 47362–0000	25	80,050
The Housing Authority of the City of New Albany (IN012)	500 Scribner Drive, P.O. Box 11, New Albany, Indiana 47151–0011.	20	89,080
Crawfordsville Housing Authority (IN047)	P.O. Box 421, Crawfordsville, Indiana 47933–0421	30	111,420
Housing Authority of the City of Bloomington (IN022)	P.O. Box 1815, Bloomington, Indiana 47402–0000	30	137,940
Goshen Housing Authority (IN101)	302 South 5th Street, Goshen, Indiana 46528–3716	32	149,472
The Housing Authority of the City of Vincennes (IN002)	501 Hart Street, P.O. Box 1636, Vincennes, Indiana 47591–0000.	57	196,251
Lafayette Housing Authority (IN071)	100 Executive Drive, Suite A, P.O. Box 6687, Lafayette, Indiana 47903–6687.	100	429,400
Housing Authority of the City of Gary (IN011)	578 Broadway, Gary, Indiana 46402–1986	180	1,032,660
Housing Authority of the City of South Bend, Indiana (IN015).	501 Alonzo Watson Drive, P.O. Box 11057, South Bend, Indiana 46634–0057.	260	1,108,120

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Housing Authority of the City of Fort Wayne (IN003)	2013 South Anthony Boulevard, P.O. Box 13489, Ft. Wayne, Indiana 46869–3489.	260	1,177,280
Northeast Nebraska Joint Housing Authority (NE180)	507 7th Street, Suite 401, P.O. Box 447, Sioux City, Iowa 51102–0447.	14	43,064
City of Marshalltown Rent Assistance Program (IA125)	24 North Center Street, Marshalltown, Iowa 50158–0000	30	86,280
Southeast Iowa Regional Housing Authority (IA128)	214 N. 4th, Suite 2B, P.O. Box 397, Burlington, Iowa 52601–0000.	40	123,160
Housing Services Department of the City of Dubuque (IA087).	1805 Central Avenue, Dubuque, Iowa 52001–3656	40	134,440
Upper Explorerland Regional Housing Authority (IA130)	134 West Greene Street, P.O. Box 219, Postville, Iowa 52162–0219.	50	146,350
Central Iowa Regional Housing Authority (IA131)	1111 Ninth Street, Suite 390, Des Moines, Iowa 50314–0000.	75	271,650
Atchison Housing Authority (KS017)	103 S. 7th Street, Atchison, Kansas 66002–0000	6	21,396
Ellis County Public Housing Authority (KS170)	c/o Development Services of NW, Kansas, 2703 Hall, P.O. Box 1016, Hays, Kansas 67601–0000.	17	45,883
Hays Housing Authority (KS091)	1709 Sunset Trail, Hays, Kansas 67601–0000	21	59,640
Sedgwick County Housing Authority (KS169)	604 N. Main Street, Suite E, Wichita, Kansas 67203–0000.	21	68,880
Sek-Cap, Inc. (KS161)	401 N. Sinnet, P.O. Box 128, Girard, Kansas 66743–0000.	46	132,204
South Central Kansas Area Agency on Aging (KS166)	114 W. 5th Avenue, P.O. Box 1122, Arkansas City, Kansas 67005–0000.	55	165,605
Housing Authority of Olathe, Kansas (KS043)	P.O. Box 768, Olathe, Kansas 66051–0768	48	229,392
Wichita Housing Authority (KS004)	307 North Riverview, Wichita, Kansas 67203–0000	120	575,160
Housing Authority of Somerset (KY008)	P.O. Box 449, Somerset, Kentucky 42502–0449	19	49,166
Barbourville Urban Renewal and Community Development Housing Agency (KY150).	P.O. Box 84, Barbourville, Kentucky 40906–0000	18	57,529
Glasgow Community Development Agency (KY173)	P.O. Box, 473 Glasgow, Kentucky 42142–0473	34	87,092
Cumberland Valley Regional Housing Authority (KY160)	338 Court Square, P.O. Box 806, Barbourville, Kentucky 40906–0000.	70	235,285
Housing Authority of Louisville (KY001)	420 S. 8th Street, Louisville, Kentucky 40203–0000	76	383,246
Lexington-Fayette County Housing Authority (KY130)	300 West New Circle Road, Lexington, Kentucky 40505–0000.	172	725,609
City of Louisville Housing Authority of Jefferson County (KY131).	801 Vine Street, Louisville, Kentucky 40204–2088	194	749,956
Jefferson County Housing Authority (KY105)	801 Vine Street, Louisville, Kentucky 40204–2088	194	769,917
Catahoula Parish Police Jury Section 8 (LA222)	202 Sicily Street, P.O. Box 340, Harrisonburg, Louisiana 71340–0000.	6	16,812
Vernon Parish Housing Authority (LA128)	P.O. Box 1247, Leesville, Louisiana 71496–1247	8	19,912
Union Parish Police Jury (LA196)	P.O. Box 641, Farmerville, Louisiana 71241	8	21,464
Claiborne Parish Police Jury (LA246)	P.O. Box 569, Homer, Louisiana 71040	10	30,920
Caldwell Parish Housing Authority (LA125)	103 North Alvin Street, Columbia, Louisiana 71418–0000	19	51,908
City of New Iberia, Louisiana (LA165)	City Hall—Room 406, 457 E. Main Street, New Iberia, Louisiana 70560–0000.	20	54,600
Morehouse Parish Police Jury (LA258)	East Madison Park, Elm Street, P.O. Box 1471, Bastrop, Louisiana 71221–1471.	17	56,797
St. Martin Parish, SEC. 8 Program (LA178)	118 Honore Street, St. Martinville, Louisiana 70582–0000.	20	61,880
Bogalusa Housing Authority (LA024)	P.O. Box 1113, Bogalusa, Louisiana 70429–1113	16	63,136
Denham Springs Housing Authority (LA101)	P.O. Box 910, Denham Springs, Louisiana 70727–0910	20	69,580
Housing Authority of the City of Sulphur (LA063)	P.O. Box 271, Sulphur, Louisiana 70664	17	71,587
Washington Parish Housing Authority, SEC.8 Program (LA217).	26074 Highway 21 Village Square, Apartments, Box 12, Angie, Louisiana 70426–0000.	24	72,648
Broussard Housing Authority (LA136)	P.O. Box 553, Broussard, Louisiana 70518	29	88,073
Iberia Parish Government Section 8 Housing Program (LA189).	Courthouse Building, 300 Iberia Street, Suite 400, New Iberia, Louisiana 70560.	38	129,238
Bossier Parish Section 8 Housing (LA190)	700 Benton Road, Suite B, Bossier City, Louisiana 71111–0000.	100	352,900
Monroe Housing Authority (LA006)	300 Harrison Street, Monroe, Louisiana 71201–0000	150	596,850
Housing Authority of the City of Shreveport (LA002)	623 Jordan Street, Shreveport, Louisiana 71101–0000	250	1,067,250
East Baton Rouge Parish Housing Authority (LA003)	4546 North Street, Baton Rouge, Louisiana 70806–0000	250	1,159,250
Augusta Housing Authority (ME030)	33 Union Street, Suite 3, Augusta, Maine 04330–0000	28	108,920
Auburn Housing Authority (ME007)	P.O. Box 3037, 20 Great Falls Plaza, Auburn, Maine 04212–3037.	42	161,952
Lewiston Housing Authority (ME005)	1 College Street, Lewiston, Maine 04240–0000	61	232,471
Maine State Housing Authority (ME901)	353 Water Street, Augusta, Maine 04330–4633	66	334,290
Portland Housing Authority (ME003)	14 Baxter Boulevard, Portland, Maine 04101–0000	66	352,044
Mariana Islands Housing Authority (TQ901)	P.O. Box 500514, Saipan, Mariana Islands 96950–0514	26	225,992
Cecil County Housing Agency (MD029)	County Office Building, 129 E. Main Street, Elkton, Maryland 21921–0000.	25	135,275
Housing Authority of Washington County (MD028)	33 West Washington Street, Room 210, Hagerstown, Maryland 21740–4834.	50	194,000

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Maryland Department of Housing and Community Development (MD902).	Community Development Administration, 100 Community Place, Room 4222, Crownsville, Maryland 21032–0000.	19	205,105
Housing Authority of the City of Annapolis (MD001)	1217 Madison Street, Annapolis, Maryland 21403–0000	45	286,380
Calvert County Housing Authority (MD022)	P.O. Box 2509, Prince Frederick, Maryland 20678–0000	41	317,873
Housing Authority City of Rockville (MD007)	14 Moore Drive, Rockville, Maryland 20850–0000	69	637,560
St. Mary's County Housing Authority Center (MD021)	23115 Leonard Hall Drive, P.O. Box 653—Government, Leonardtown, Maryland 20656–0000.	125	756,500
Baltimore County Housing Office (MD033)	One Investment Place, Suite P–3 Towson, Maryland 21204–0000.	150	759,000
Housing Opportunities Commission of Montgomery County, MD (MD004).	10400 Detrick Avenue, Kensington, Maryland 20895–2484.	150	1,339,050
Housing Authority of Baltimore City (MD002)	417 East Fayette Street, Baltimore, Maryland 21202–0000.	305	1,594,235
Newburyport Housing Authority (MA032)	25 Temple Street, Newburyport, Massachusetts	20	139,300
Acton Housing Authority (MA057)	P.O. Box 681, 68 Windsor Avenue, Acton, Massachusetts 01720–0681.	30	249,900
Greenfield Housing Authority (MA096)	1 Elm Terrace, Greenfield, Massachusetts 01301–0000	55	299,475
Gloucester Housing Authority (MA025)	P.O. Box 1599, Gloucester, Massachusetts 01931–1599	50	358,000
Norwood Housing Authority (MA109)	40 William Shyne Circle, Norwood, Massachusetts 02062–0000.	48	360,048
Methuen Housing Authority (MA081)	24 Mystic Street, Methuen, Massachusetts 01844–0000	91	534,261
Cambridge Housing Authority (MA003)	675 Massachusetts Avenue, Cambridge, Massachusetts 02139–0000.	67	538,814
Barnstable Housing Authority (MA046)	146 South Street, Hyannis, Massachusetts 02601–0000	94	596,148
Revere Housing Authority (MA014)	70 Cooledge Street, Revere, Massachusetts 02151	88	635,008
Springfield Housing Authority (MA035)	P.O. Box 1609, Springfield, Massachusetts 01101	208	1,096,784
Department of Housing & Community Development (MA901).	One Congress Street, Boston, Massachusetts 02114–0000.	438	3,350,262
Boston Housing Authority (MA002)	52 Chauncy Street, Boston, Massachusetts 02111–0000	438	3,698,034
Boyne City Housing Commission (MI084)	829 South Park Street, Boyne City, Michigan 49712–0000.	12	43,560
Cheboygan Housing Commission (MI030)	659 Cuyler Street, P.O. Box 5069, Cheboygan, Michigan 49721–0000.	20	79,400
Iron County Housing Commission (MI119)	210 North Third Street, Crystal Falls, Michigan 49920	30	93,900
Kent County Housing Commission (MI198)	741 E. Beltline Avenue NE, Grand Rapids, Michigan 49525.	37	232,175
Michigan State Housing Development Authority (MI902)	401 S. Washington Avenue, Lansing, Michigan 48933	175	688,275
Grand Rapids Housing Commission (MI073)	1420 Fuller, S.E., Grand Rapids, Michigan 49507–0000	200	891,400
Michigan State Housing Development (MI901)	401 S. Washington Avenue, Lansing, Michigan 48933–0000.	325	1,609,400
Wadena Housing and Redevelopment Authority (MN018)	222 2nd Street, S.E., Wadena, Minnesota 56482–0000	10	29,300
Worthington Housing & Redevelopment Authority (MN034).	819 10th Street, Worthington, Minnesota 56187–0000	29	80,823
Clay County Housing & Redevelopment Authority (MN164).	116 Center Avenue East, P.O. Box 99 Dilworth, Minnesota 56529–0099.	25	92,425
Itasca County Housing & Redevelopment Authority (MN154).	19 N.E. Third Street, Grand Rapids, Minnesota 55744–0000.	33	100,419
Bloomington Housing and Redevelopment Authority (MN152).	2215 West Old Shakopee Road, Bloomington, Minnesota 55431–3096.	20	120,980
Plymouth Housing & Redevelopment Authority (MN170)	3400 Plymouth Boulevard, Plymouth, Minnesota 55447–0000.	25	169,000
Stearns County Housing & Redevelopment Authority (MN172).	312 North 1st Street, Suite 2, Cold Spring, Minnesota 56320–0000.	47	185,415
St. Cloud Housing & Redevelopment Authority (MN038)	619 W. St. Germain Street, Suite 212, St. Cloud, Minnesota 56301–0000.	100	397,500
Olmsted County Housing & Redevelopment Authority (MN151).	2122 Campus Drive S.E,. Rochester, Minnesota 55904–4744.	98	436,100
Dakota County Community Development Agency (MN147).	2496 145th Street West, Rosemount, Minnesota 55068–0000.	100	545,000
Tennessee Valley Regional Housing Authority (MS006)	P.O. Box 1329, Corinth, Mississippi 38835	70	213,992
Mississippi Regional Housing Authority V (MS030)	110 Broad Street, P.O. Box 419, Newton, Mississippi 39345–0419.	71	238,196
Mississippi Regional Housing Authority IV (MS019)	P.O. Box 1051, Columbus, Mississippi 39703–1051	117	387,042
Mississippi Regional Housing Authority VIII (MS040)	P.O. Box 2347, Gulfport, Mississippi 39505	128	479,403
Mississippi Regional Housing Authority No. VI (MS058)	P.O. Drawer 8746, Jackson, Mississippi 39284–8746	129	575,410
Boone County Public Housing Authority (MO198)	807 B N. Providence Road, Columbia, Missouri 65203–0000.	15	58,380
Franklin County Public Housing Agency (MO205)	P.O. Box 920, Hillsboro, Missouri 63050–0000	50	210,200
Lincoln County Public Housing Agency (MO199)	16 North Court Street, P.O. Box 470, Bowling Green, Missouri 63334–0000.	100	427,200
St. Francois County Public Housing Agency (MO203)	403 Glendale P.O. Box N, Park Hills, Missouri 63601–0358.	150	507,150

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Housing Authority of St. Louis County (MO004)	8865 Natural Bridge, P.O. Box 23886, St. Louis, Missouri 63121–0000.	257	1,243,366
City of Ronan Housing Authority (MT036)	P.O. Drawer 128, Ronan, Montana 59864–0000	4	19,640
Great Falls Housing Authority (MT002)	1500 6th Avenue South, Great Falls, Montana 59405	20	78,540
Helena Housing Authority (MT004)	812 Abbey Street, Helena, Montana 59601–0000	29	135,401
Montana Department of Commerce, Housing Division (MT901).	P.O. Box 200545, Helena, Montana 59620–0545	46	181,056
Housing Authority of Billings (MT001)	2415 First Avenue North, Billings, Montana 59101–0000	41	188,149
Missoula Housing Authority (MT033)	1319 E. Broadway, Missoula, Montana 59802–0000	46	193,108
Lincoln Housing Authority (NE002)	5700 R Street, Lincoln, Nebraska 68505–2332	85	328,865
Douglas County Housing Authority (NE153)	5404 North 107th Plaza, Omaha, Nebraska 68134	85	423,810
Housing Authority of the City of Reno (NV001)	1525 E 9th Street, Reno, Nevada 89512	65	340,275
Housing Authority of the City of North Las Vegas (NV007).	1632 Yale Street, North Las Vegas, Nevada 89030	65	441,220
City of Las Vegas Housing Authority (NV002)	420 N. 10th Street, Las Vegas, Nevada 89101	66	450,582
Lebanon Housing Authority (NH009)	31 Romano Circle, P.O. Box 5475, West Lebanon, New Hampshire.	12	53,352
Derry Housing and Redevelopment Authority (NH022)	29 West Broadway, Derry, New Hampshire 03038–0000	16	85,760
Manchester Housing and Redevelopment Authority (NH001).	198 Hanover Street, Manchester, New Hampshire	46	209,116
New Hampshire Housing Finance Authority (NH901)	P.O. Box 5087, Manchester, New Hampshire 03108	46	248,446
Nashua Housing Authority (NH002)	101 Major Drive, Nashua, New Hampshire 03060–4783	46	293,296
Housing Authority of the City of South Amboy (NJ035)	257 South Broadway, South Amboy, New Jersey 08879–0000.	10	68,494
Housing Authority of the Township of Brick (NJ065)	165 Chambersbridge Road, Brick, New Jersey 08723–0000.	9	69,714
Housing Authority of the City of Millville (NJ061)	P.O. Box 803, 122 East Main Street, Millville, New Jersey 08332–0000.	12	80,202
Franklin Township Housing Authority (NJ116)	1 Parkside Street, Somerset, New Jersey 08873–0000	12	94,164
Keansburg Housing Authority (NJ060)	1 Church Street, P.O. Box 368, Keansburg, New Jersey 07734–0000.	12	99,615
Highland Park Housing Authority (NJ044)	242 South Sixth Avenue, Highland Park, New Jersey 08904–2824.	16	123,164
Housing Authority of the Township of Old Bridge, Middlesex County (NJ110).	One Old Bridge Plaza, Old Bridge, New Jersey 08857–0000.	19	128,378
Housing Authority of Glouchester County (NJ204)	Administrative Office, 100 Pop Moylan Boulevard, Deptford, New Jersey 08096–0000.	34	178,065
Housing Authority of the Township of Woodbridge (NJ033).	20 Bunns lane, Woodbridge, New Jersey 07095–1726	30	224,062
Paterson Housing Authority (NJ021)	60 Van Houten Street, P.O. Box H, Paterson, New Jersey 07505–0000.	25	271,966
Long Branch Housing Authority (NJ008)	P.O. Box 337, Garfield Court, Long Branch, New Jersey 07740–0000.	39	328,740
Middlesex County Public Housing Agency (NJ114)	County Administration Building, John F. Kennedy Square, New Brunswick, New Jersey.	37	333,080
Orange City Housing Authority (NJ025)	340 Thomas Boulevard, Orange, New Jersey 07050–0000.	51	334,144
Passaic County Public Housing Agency (NJ090)	401 Grand Street, Room 514, Patterson, New Jersey 07505.	76	573,966
Lakewood Township Rental Assistance Program (NJ214)	600 W. Kennedy Boulevard, P.O. Box 856, Lakewood, New Jersey 08701–0000.	76	732,783
Passaic Housing Authority (NJ013)	333 Passaic Street, Passaic, New Jersey 07055–0000	124	985,559
Housing Authority of Bergen County (NJ067)	Court Plaza South-Room 307W, 21 Main Street, Hackensack, New Jersey 07601–7000.	338	2,515,975
Housing Authority of the City of Newark (NJ002)	57 Sussex Avenue, Newark, New Jersey 07103–0000	367	2,855,013
New Jersey Department of Community Affairs Division of Housing and Community.	P.O. Box 051, Trenton, New Jersey 08625–0051	429	2,984,149
Dona Ana County Housing Authority (NM062)	926 S. San Pedro Street, Las Cruces, New Mexico 88001–3637.	41	141,746
Housing Authority of the City of Las Cruces (NM003)	926 S. San Pedro Street, Las Cruces, New Mexico 88001–3637.	54	198,498
Santa Fe Civic Housing Authority (NM058)	P.O. Box 4039, Santa Fe, New Mexico 87502–4039	47	258,884
Albuquerque Housing Services (NM001)	1840 University SE, Albuquerque, New Mexico 87106–0000.	71	327,105
Bernalillo County Housing Department (NM057)	620 Lomas Blvd. N.W., Albuquerque, New Mexico 87102.	70	350,274
Town of Penfield (NY415)	3300 Atlantic Avenue, Penfield, New York 14526–0000	8	31,392
Village of Highland Falls Housing Authority (NY125)	303 Main Street, Highland Falls, New York 10928–0000	9	63,558
Housing Authority of Gloversville (NY048)	181 West Street, Gloversville, New York 12078–1911	22	71,478
Norwich Housing Authority (NY065)	13 Brown Street, Norwich, New York 13815–0000	20	77,000
Village of Kaser (NY160)	15 Eylon Road, P.O. Box 391, Monsey, New York 10952	6	84,516
Town of Irondequoit (NY439)	1280 Titus Avenue, Rochester, New York 14617–0000	21	88,326
Housing Authority of Cortland (NY021)	42 Church Street, Cortland, New York 13045–0000	26	91,754
Rome Housing Authority (NY034)	205 St. Peter's Avenue, Rome, New York 13440	26	97,266

Applicant name	Address, city, state, zip	Vouchers	Amount
Town of Greece (NY444)	1 Vince Tofany Boulevard, Rochester, New York 14616–0000.	25	104,700
Town of Saugerties Public Housing Agency (NY529)	Town Hall, Main Street, Saugerties, New York 12477–1325.	19	106,476
Town of Colonie (NY408)	Memorial Town Hall, Newtonville, New York 12128–0000	25	125,200
Tuckahoe Housing Authority (NY165)	4 Union Place, Tuckahoe, New York 10707–0000	15	137,325
Long Beach Housing Authority (NY050)	500 Centre Street, P.O. Box 270, Long Beach, New York 11561–0000.	17	151,589
City of North Tonawanda Public Housing Authority (NY405).	c/o Belmont Shelter Corp., 1195 Main Street, Buffalo, New York 14209–0000.	38	153,140
Fairport Urban Renewal Agency (NY406)	31 South Main Street, Fairport, New York 14450–0000	36	155,880
Monticello Housing Authority (NY071)	76 Evergreen Drive, Monticello, New York 12701	37	181,818
Village of Kiryas Joel Housing Authority (NY158)	51 Forest Road, Suite 360, Monroe, New York 10950	22	202,290
City of New Rochelle (NY113)	515 North Avenue, New Rochelle, New York 10801–0000.	25	212,175
Village Of Ossining (NY094)	16 Croton Avenue, Ossining, New York 10562	23	215,533
Freeport Housing Authority (NY023)	3 Buffalo Avenue, Freeport, New York 11520–0000	19	218,538
Troy Housing Authority (NY012)	1 Eddy's Lane Troy, New York 12180–0000	51	234,804
Housing Authority of Glens Falls (NY079)	Stichman Towers, Jay Sreet, Glens Falls, New York 12801–0000.	60	238,800
Village of Hempstead Public Housing Authority (NY085)	260 Clinton Street, Hempstead, New York 11550–0000	25	261,675
North Fork Housing Alliance, Inc. (NY152)	110 South Street, Greenport, New York 11944–0000	30	279,090
Village of Rockville Centre Community Development Agency (NY159).	1 College Place, Rockville Centre, New York 11570	31	282,069
Village of New Square Public Housing Authority (NY138)	2 Cleveland Avenue, Suite A, New Square, New York 10977–0000.	44	396,308
Village of Nyack Housing Authority (NY114)	15 Highview Court, P.O. Box 740, Nyack, New York 10960–0000.	13	502,209
Town of Brookhaven	Building 3, Room 305, 3233 Route 112, Medford, New York 11763–0000.	50	504,300
Department of Housing, Community Development and City of Mount Vernon Urban Renewal Agency (NY175).	City Hall, Roosevelt Square—2nd Floor, Mount Vernon, New York 10550–0000.	87	525,828
Town of Ramapo Housing Authority (NY084)	38 Pondview Drive, Suffern, New York 10901–0000	52	545,740
Village of Spring Valley (NY148)	200 North Main Street, Spring Valley, New York 10977	81	691,173
Albany Housing Authority (NY009)	4 Lincoln Square, Albany, New York 12202–0000	189	954,828
The Municipal Housing Authority for the City of Yonkers (NY003).	1511 Central Park Avenue, P.O. Box 35, Yonkers, New York 10701–0000.	100	962,200
Erie County PHA Consortium (NY091)	1195 Main Street, Buffalo, New York 14209–2196	360	1,565,280
Rochester Housing Authority (NY041)	140 West Avenue, Rochester, New York 14611–0000	400	2,128,800
New York State Division of Housing & Community Renewal (NY902).	25 Beaver Street, New York, New York 10004–0000	725	2,876,800
New York State Division of Housing and Community Renewal (NY903).	Hampton Plaza, 38–40 State Street, Albany, New York 12208–0000.	1200	9,362,400
New York City Department of Housing Preservation & Development (NY110).	100 Gold Street, New York, New York 10038–0000	1843	11,669,876
New York City Housing Authority (NY005)	250 Broadway, New York, New York 10007–0000	1927	14,028,560
The City of Albemarle Public Housing (NC075)	301 Bell Avenue, P.O. Drawer 1367, Albemarle, North Carolina 28002–1367.	30	90,630
Housing Authority of the County of Wake (NC021)	P.O. Box 399, 100 Shannon Street, Zebulon, North Carolina 27597–0399.	18	102,438
Housing Authority of Lincolnton (NC070)	806 E. McBee Street, Lincolnton, North Carolina 28092	25	106,075
Sanford Housing Authority (NC035)	P.O. Box 6369, Sanford, North Carolina 27330	28	110,992
Hickory Public Housing Authority (NC056)	P.O. Box 2927, Hickory, North Carolina 28603–0000	31	120,342
Housing Authority of the Town of Laurinburg (NC018)	P.O. Box 1437, Laurinburg, North Carolina 28353–0000	38	138,814
Four County Community Services, Inc. (NC150)	P.O. Box 988, Laurinurg, North Carolina 28353–0000	40	139,800
Lexington Housing Authority (NC039)	P.O. Box 1085, Lexungton, North Carolina 27293–1085	42	158,508
Chatham County Housing Authority (NC120)	P.O. Box 637, Pittsboro, North Carolina 27312–0000	37	174,196
Sandhills Community Action Program, Inc. (NC149)	P.O. Box 937, Carthage, North Carolina 28327–0937	51	204,357
City of Concord Housing Department (NC008)	P.O. Box 308, Concord, North Carolina 28026–0308	45	209,160
Johnston County Housing Assistance Payments Program (NC164).	P.O. Box 1515, Smithfield, North Carolina 27577–0000	56	221,928
Asheboro Housing Authority (NC081)	338 West Walnman Avenue, P.O. Box 609, Asheboro, North Carolina 27204–0609.	71	241,471
Twin Rivers Opportunities, Inc. (NC151)	P.O. Box 1482, New Bern, North Carolina 28563–0000	75	308,250
Graham Housing Authority (NC059)	P.O. Box 88, Graham, North Carolina 27253–0000	78	345,150
Western Piedmont Council of Governments (NC159)	P.O. Box 9026, Hickory, North Carolina 28603–0000	92	374,348
Northwestern Regional Housing Authority (NC167)	P.O. Box 2510, Boone, North Carolina 28607–0000	100	381,500
Economic Improvement Council (NC145)	712 Virginia Road, Edenton, North Carolina 27932–0000	108	389,340
Housing Authority of the City of Winston-Salem (NC012)	901 Cleveland Avenue, Winston-Salem, North Carolina	100	483,100
Greensboro Housing Authority (NC011)	450 North Church Street, P.O. Box 21287, Greensboro, North Carolina.	167	949,228
Richland County Housing Authority (ND035)	230 8th Avenue West, West Fargo, North Dakota 58078	5	14,380
Housing Authority of Cass County (ND001)	230 8th Avenue West, West Fargo, North Dakota 58078	30	112,800
Minot Housing Authority (ND017)	310 2nd Street SE, Minot, North Dakota 58701–0000	35	126,910

Applicant name	Address, city, state, zip	Vouchers	Amount
Fargo Housing and Redevelopment Authority (ND014)	P.O. Box 430, Fargo, North Dakota 58107–0430	35	131,355
Grand Forks Housing Authority (ND012)	1405 First Avenue North, Grand Forks, North Dakota	34	146,880
Hancock Metropolitan Housing Authority (OH082)	604 Lima Avenue, Findlay, Ohio 45840–0000	5	16,585
Morrow Metropolitan Housing Authority (OH083)	298 East Center Street, Suite B, Marion, Ohio 43302–0000.	7	28,658
Portage Metropolitan Housing Authority (OH031)	2832 State Route 59, Ravenna, Ohio 44266–0000	6	30,420
The Meigs Metropolitan Housing Authority (OH035)	117 East Memorial Drive, Pomeroy, Ohio 45769–0000	9	35,037
Williams Metropolitian Housing Authority (OH074)	1044 Chelsea Avenue, Napoleon, Ohio 43545	14	39,032
Fairfield Metropolitan Housing Authority (OH070)	1506 Amherst Place, Lancaster, Ohio 43130–0000	22	89,826
City of Marietta Public Housing Authority (OH077)	301 Putnam Street, Marietta, Ohio 45750–0000	28	96,600
Chillicothe Metropolitan Housing Authority (OH024)	178 West Fourth Street, Chillicothe, Ohio 45601–3219	27	100,062
Marion Metropolitan Housing Authority (OH076)	P.O. Box 1029, Mansfield, Ohio 44901–0000	33	106,722
Pike Metropolitan Housing Authority (OH060)	2626 Shyville Road, Piketon, Ohio 45661–0000	42	132,048
Zanesville Metropolitan Housing Authority (OH009)	407 Pershing Road, Zanesville, Ohio 43701–0000	50	161,700
Delaware Metropolitan Housing Authority (OH079)	P.O. Box 1292, Delaware, Ohio 43015	33	164,439
Athens Metropolitan Housing Authority (OH041)	10 Hope Drive, Athens, Ohio 45701–0000	56	216,664
Middletown Public Housing Agency (OH065)	128 City Centre Mall, Middletown, Ohio 45042–0000	55	244,530
Lake Metropolitan Housing Authority (OH025)	189 First Street, Painesville, Ohio 44077–0000	94	431,084
Hamilton County Public Housing (OH048)	138 E. Court Street, Room 507, Cincinnati, Ohio 45202–0000.	100	507,400
Youngstown Metropolitan Housing Authority (OH002)	131 W. Boardman Street, Youngstown, Ohio 44503–1399.	152	553,128
Dayton Metropolitan Housing Authority (OH005)	400 Wayne Avenue, Dayton, Ohio 45410–1106	263	1,112,753
Lucas Metropolitan Housing Authority (OH006)	435 Nebraska Avenue, Toledo, Ohio 43602–0000	290	1,220,900
Columbus Metropolitan Housing Authority (OH001)	960 East Fifth Avenue, Columbus, Ohio 43201–0000	642	3,210,000
Cuyahoga Metropolitan Housing Authority (OH003)	1441 West 25th Street, Cleveland, Ohio 44113–0000	642	3,263,928
Stillwater Housing Authority (OK146)	807 S. Lowry, Stillwater, Oklahoma 74070–0000	55	193,109
Norman Housing Authority (OK139)	700 North Berry Road, Norman, Oklahoma 73069–0000	99	385,465
Oklahoma Housing Finance Agency (OK901)	1140 NW 63rd Street, Suite 200, P.O. Box 26720, Oklahoma City, Oklahoma 73126–0720.	152	569,900
Oklahoma City Housing Authority (OK002)	1700 Northeast Fourth Street, Oklahoma City, Oklahoma 73117–3800.	152	572,398
Housing Authority of the City of Tulsa (OK073)	P.O. Box 6369 Tulsa, Oklahoma 74148–0000	152	649,827
Mid Columbia Housing Agency (OR025)	506 East Second Street, The Dalles, Oregon 97058–0000.	12	49,440
Housing Authority of Yamhill County (OR016)	414 North East Evans Street, P.O. Box 865, McMinnville, Oregon 97128–0865.	11	54,692
Klamath Housing Authority (OR017)	1445 Avalon, P.O. Box 5110, Klamath Falls, Oregon 97601–0000.	19	78,432
Coos-Curry Housing Authority (OR020)	1700 Monroe, North Bend, Oregon 97459–0000	22	95,238
Northwest Oregon Housing Association (OR028)	1508 Exchange Street, Astoria, Oregon 97103–0000	22	98,362
Marion County Housing Authority (OR014)	3150 Lancaster Drive N.E., P.O. Box 14500, Salem, Oregon 97309.	25	114,925
Housing Authority of the City of Salem (OR011)	P.O. Box 808, Salem, Oregon 97308–0808	42	204,162
Housing Authority of Jackson County (OR015)	2231 Table Rock Road, Medford, Oregon 97501–0000	42	204,540
Northeast Oregon Housing Authority (OR032)	P.O. Box 3357, 2608 May Lane, La Grande, Oregon 97850–0000.	65	256,945
Housing Authority of Portland (OR002)	135 SW Ash Street, Portland, Oregon 97204–0000	66	364,914
Housing Authority & Community Services Agency of Lane County (OR006).	177 Day Island Road, Eugene, Oregon 97401–0000	100	539,600
Clackamas County Housing Authority (OR001)	P.O. Box 1510, 13930 South Gain Street, Oregon City, Oregon 97045–0510.	123	708,111
Linn-Benton Housing Authority (OR019)	1250 Queen Avenue S.E., Albany, Oregon 97321–0000	183	897,432
Housing Authority of the County of Huntingdon (PA027)	100 Federal Drive, Mount Union, Pennsylvania	15	42,497
Jefferson County Housing Authority (PA061)	210 North Jefferson Street, Punxsutawney, Pennsylvania	14	45,187
Housing Authority of the County of Wayne (PA078)	130 Carbondale Road, Waymart, Pennsylvania 18472–0000.	15	70,438
Housing Authority of Lycoming, PA (PA021)	1875 New Hope Street, Norristown, Pennsylvania 19401–0000.	26	74,540
Columbia County Housing Authority (PA083)	700 Sawmill Road, Bloomsburg, Pennsylvania 17815	25	78,108
Wyoming County Housing Authority (PA073)	P.O. Box 350, Nicholson, Pennsylvania 18446–0350	35	118,260
Monroe County Housing Authority (PA028)	1055 West Main Street, Stroudsburg, Pennsylvania 18360.	25	149,781
Housing Authority of Northumberland County (PA060)	50 Mahoning Street, Milton, Pennsylvania 17847–0000	67	182,454
Lancaster County Housing Authority (PA090)	29 East King Street, Suite 316, Lancaster, Pennsylvania 17602–0000.	50	226,385
Reading Housing Authority (PA009)	400 Hancock Boulevard, Reading, Pennsylvania 19611–0000.	50	229,250
Lancaster City Housing Authority (PA036)	325 Church Street, Lancaster, Pennsylvania 17602–4201.	50	239,536
Housing Authority of Centre County (PA088)	602 East Howard Street, Bellefonte, Pennsylvania 16823–0000.	60	267,266
Lackawanna County Housing Authority (PA038)	2019 West Pine Street, Dunmore, Pennsylvania 18512–0000.	100	331,593

Applicant name	Address, city, state, zip	Vouchers	Amount
Cumberland County Housing Authority (PA075)	114 North Hanover Street, Carlisle, Pennsylvania 17013–2445.	100	374,052
Housing Authority of the City of York (PA022)	31 S. Broad Street, P.O. Box 1963, York, Pennsylvania 17405–0000.	100	398,381
Northampton County Housing Authority (PA076)	15 South Wood Street, P.O. Box 252, Nazareth, Pennsylvania 18064–0000.	100	488,935
Housing Authority of the County of Chester (PA046)	30 West Barnard Street, 1st Floor, West Chester, Pennsylvania.	100	641,111
Housing Authority of the County of Luzerne (PA057)	250 First Avenue, Kingston, Pennsylvania 18704–5899	188	732,533
Lehigh County Housing Authority (PA081)	635 Broad Street, Emmaus, Pennsylvania 18049–0000	200	903,662
Montgomery County Housing Authority (PA012)	1875 New Hope Street, Norristown, Pennsylvania 19401–3146.	370	2,114,916
Delaware County Housing Authority (PA023)	1855 Constitution Avenue, Woodlyn, Pennsylvania 19095–0000.	400	2,370,938
Philadelphia Housing Authority (PA002)	12 South 23rd Street, Philadelphia, Pennsylvania 19106–0000.	696	4,711,230
Municipality of Ceiba (RQ070)	P.O. Box 224, Ceiba, Puerto Rico 00735–0000	4	16,741
Municipality of Lares (RQ065)	P.O. Box 395, Lares, Puerto Rico 00669	6	17,232
Municipality of Lajas (RQ071)	P.O. Box 910, Lajas, Puerto Rico 00667–0000	7	20,714
Municipality of Aguada (RQ073)	P.O. Box 517, Aguada, Puerto Rico 00602–0000	8	26,578
Municipality of San German (RQ030)	P.O. Box 85, San German, Puerto Rico 00683–0000	8	30,063
Municipality of Luquillo (RQ081)	P.O. Box 1012, Luquillo, Puerto Rico 00773–0000	6	30,712
Municipality of Isabela (RQ066)	Section 8 Office, P.O. Box 507, Isabela, Puerto Rico 00662–0000.	9	32,872
Municipality of Las Piedras (RQ063)	P.O. Box 68, Las Piedras, Puerto Rico 00771–0000	12	35,169
Municipality of Hormigueros (RQ035)	P.O. Box 94, Hormigueros, Puerto Rico 00660–0000	9	35,199
Municipality of Barceloneta (RQ054)	P.O. Box 2049, Barceloneta, Puerto Rico 00617–0000	10	40,596
Municipality of Rio Grande (RQ050)	P.O. Box 845, Rio Grande, Puerto Rico 00745–0000	8	46,290
Municipality of Juana Diaz (RQ038)	P.O. Box 4109, Juana Diaz, Puerto Rico 00795–0000	12	54,690
Municipality of Gurabo (RQ041)	P.O. Box 320, Gurabo, Puerto Rico 00778–0320	13	56,434
Puerto Rico Housing Finance Corp. (RQ031)	P.O. Box 71361, San Juan, Puerto Rico 00936–8461	17	56,791
Municipality of Cidra (RQ062)	P.O. Box 729, Cidra, Puerto Rico 00739–0000	18	81,556
Municipality of Manati (RQ028)	P.O. Box 3065, Manati, Puerto Rico 00674–0000	17	81,655
Municipality of Vega Baja (RQ032)	P.O. Box 4555, Vega Baja, Puerto Rico 00694–4555	21	92,337
Municipality of Carolina (RQ014)	P.O. Box 8, Carolina, Puerto Rico 00986–0008	63	334,436
Municipality of Caguas (RQ007)	P.O. Box 907, Caguas, Puerto Rico 00726–0907	129	478,968
Municipality of Bayamon (RQ011)	P.O. Box 1588, Bayamon, Puerto Rico 00960–0000	100	534,061
Municipality of San Juan (RQ006)	P.O. Box 362138, San Juan, Puerto Rico 00936–2138	191	938,087
Pawtucket Housing Authority (RI002)	214 Roosevelt Avenue, Pawtucket, Rhode Island 02862–1303.	40	215,000
Cranston Housing Authority (RI006)	50 Birch Street, Cranston, Rhode Island 02920	40	222,200
Cumberland Housing Authority (RI010)	573 Mendon Road, Cumberland, Rhode Island 02864–0000.	52	284,960
Rhode Island Housing Mortgage Finance Corporation (RI901).	44 Washington Street, Providence, Rhode Island 02903–0000.	71	491,107
Beaufort Housing Authority (SC026)	P.O. Box 1104, Beaufort, South Carolina 29901–0000	30	125,280
Housing Authority of Anderson (SC037)	1355 East River Street, Anderson, South Carolina 29624–0000.	47	168,871
The Housing Authority of the City of Greenwood (SC030)	P.O. Box 973, Greenwood, South Carolina 29648–0000	71	198,232
Myrtle Beach Housing Authority (SC034)	P.O. Box 2468, Myrtle Beach, South Carolina	70	308,140
Charleston County Housing & Redevelopment Authority (SC056).	Myers Branch 2106 Mount Pleasant Street, P.O. Box 6188, Charleston, South Carolina 29405–6188.	100	451,100
The Housing Authority of the City of Charleston (SC001)	550 Meeting Street, Charleston, South Carolina 29403–0000.	153	640,305
Spartanburg Housing Authority (SC003)	325 S. Church Street, P.O. Box 2828, Spartanburg, South Carolina.	143	641,498
Madison Housing & Redevelopment Commission (SD011).	111 S. Washington Avenue Madison, South Dakota 57042–0000.	12	34,524
Huron Housing & Redevelopment Authority (SD036)	53 3rd Street S.W., P.O. Box 283, Huron, South Dakota 57350–0000.	30	89,700
Aberdeen Housing Authority (SD034)	2324 Third Avenue SE, Aberdeen, South Dakota 57401–0000.	41	111,110
Pennington County Housing and Redevelopment Commission (SD045).	1805 West Fulton Street, Rapid City, South Dakota 57702–0000.	42	174,006
Sioux Falls Housing & Redevelopment Commission (SD016).	804 South Minnesota Avenue, Sioux Falls, South Dakota 57104–4829.	41	181,917
Crossville Housing Authority (TN042)	67 Irwin Avenue, P.O. Box 425, Crossville, Tennessee 38557–0000.	27	85,712
Knox County Housing Authority (TN111)	6333 Pleasant Ridge Road, Knoxville, Tennessee 37921–0000.	56	222,745
East Tennessee Human Resource Agency, Inc. (TN113)	9111 Cross Park Drive, D–100, Knoxville, Tennessee 37923.	64	234,388
Jackson Housing Authority (TN007)	P.O. 3188, Jackson, Tennessee 38303–0188	67	268,159

Applicant name	Address, city, state, zip	Vouchers	Amount
Kingsport Housing and Redevelopment Authority (TN006)	P.O. Box 44, 906 E. Sevier Avenue, Kingsport, Tennessee 37662–0044.	70	268,437
Knoxville Community Development Corp. (TN003)	P.O. Box 3550, 901 Broadway, N.E., Knoxville, Tennessee 37927–3550.	209	840,846
Chattanooga Housing Authority (TN004)	P.O. Box 1486, Chattanooga, Tennessee 37401–0000	229	1,023,249
Metropolitan Development & Housing (TN005)	701 South Sixth Street, P.O. Box 846, Nashville, Tennessee 37202–0000.	200	1,083,029
Housing Authority of the County of El Paso (TX432)	650 East G Street, P.O. Box 279, El Paso, Texas 79838–0000.	11	51,774
Housing Authority of the City of Nacogdoches, TX (TX486).	715 Summit, Nacogdoches, Texas 75961–0000	42	169,592
Public Housing Authority of San Angelo (TX470)	115 West 1st Street, San Angelo, Texas 76903–0000	52	170,003
Hidalgo County Housing Authority (TX497)	1800 North Texas Blvd., Weslaco, Texas 78596–0000	58	218,967
Housing Authority of Bexar County (TX452)	301 S. Frio, Suite 290, San Antonio, Texas 78207–0000	133	662,873
Arlington Housing Authority (TX433)	501 W. Sanford, Suite 20, Arlington, Texas 76011–0000	178	952,464
Central Texas Council of Governments (TX482)	P.O. Box 729, Belton, Texas 76513–0000	223	989,006
Fort Worth Housing Authority (TX004)	P.O. Box 430, Fort Worth, Texas 76101–0000	317	1,435,772
Housing Authority of the City of Austin (TX001)	P.O. Box 6159, Austin, Texas 78762–6159	284	1,785,498
The Housing Authority of the City of San Antonio (TX006).	818 South Flores Street, San Antonio, Texas 78204–0000.	500	2,669,055
Housing Authority of the City of Houston (TX005)	P.O. Box 2971, Houston, Texas 77252–2971	900	4,845,474
City Of Dallas Housing Authority (TX009)	3939 N. Hampton Road, Dallas, Texas 75212–0000	900	6,060,960
Bear River Regional Housing Authority (UT030)	170 North Main Street, Logan, Utah 84321–0000	3	9,867
St. George Housing Authority (UT021)	975 North 1725 W #101, St. George, Utah 84770	6	32,280
Logan City Housing Authority (UT026)	170 North Main Street, Logan, Utah 84321–0000	20	73,880
West Valley City Housing Authority (UT025)	3600 Constitution Blvd., West Valley City, Utah 84119–3720.	43	226,524
Provo City Housing Authority (UT007)	650 West 100 North, Provo, Utah 84601–0000	70	337,260
Housing Authority of Salt Lake City (UT004)	1776 South West Temple, Salt Lake City, Utah 84115–0000.	71	343,427
Housing Authority of the County of Salt Lake (UT003)	3595 South Main, Salt Lake City, Utah 84115	71	345,841
Rutland Housing Authority (VT003)	Administration Building, 5 Tremont Street, Rutland, Vermont 05701–0000.	6	24,336
Montpelier Housing Authority (VT008)	155 Main Street, Montpelier, Vermont 05602–0000	12	50,148
Bennington Housing Authority (VT009)	10 Willow Road, Bennington, Vermont 05201–0000	19	88,255
Vermont State Housing Authority (VT901)	One Prospect Street, Montpelier, Vermont 05602–3556	34	149,736
Winooski Housing Authority (VT006)	83 Barlow Street, Winooski, Vermont 05404–0000	33	179,652
Burlington Housing Authority (VT001)	230 St. Paul Street, Burlington, Vermont 05401–0000	34	200,056
Virgin Islands Housing Authority (VQ901)	P.O. Box 7668, Charlotte Amalie, St. Thomas, Virgin Islands 00801–0000.	97	527,468
Big Stone Gap Redevelopment and Housing Authority (VA038).	P.O. Box 536, Big Stone Gap, Virginia 24219–0000	14	46,942
Scott County Redevelopment and Housing Authority (VA031).	133 W. Jackson Street, Gate City, Virginia 24251–0000	18	53,730
Lee County Housing and Redevelopment Authority (VA034).	P.O. Box 665, Jonesville, Virginia 24263–0000	60	188,520
Wise County Redevelopment and Housing Authority (VA024).	P.O. Box 630, Coeburn, Virginia 24230–0000	94	335,580
City of Virginia Beach, Department of Housing & Neighborhood Preservation.	Section 8 Division, 2424 Court House Drive, Building 18A, Virginia Beach, Virginia 23456–0000.	100	337,900
Virginia Housing Development Authority (Loudoun County) (VA902).	601 S. Belvidere Street, Richmond, Virginia 23220–0000	100	799,100
Hampton Redevelopment & Housing Authority (VA017)	P.O. Box 280, Hampton, Virginia 23669–0000	278	910,172
Fairfax County Redevelopment & Housing Authority (VA019).	3700 Pender Drive, Suite 100, Fairfax, Virginia 22030–7442.	78	2,179,520
Housing Authority City of Seattle (WA001)	120 6th Avenue North, Seattle, Washington 98109–0000	79	546,194
Bellingham Housing Authority (WA025)	P.O. Box 9701, Bellingham, Washington 98227–9701	125	737,414
Housing Authority of Snohomish County (WA039)	12625 4th Avenue West, Suite 200, Everett, Washington 98204–0000.	156	1,008,088
Housing Authority City of Tacoma (WA005)	902 South L Street, Tacoma, Washington 98405–0000	261	1,261,303
King County Housing Authority (WA002)	15455 65th Avenue South, Seattle, Washington 98188–2583.	310	2,108,284
Weirton Housing Authority (WV016)	525 Cove Road, Weirton, West Virginia 26062–0000	50	187,800
Housing Authority of the City of Wheeling (WV003)	11 Community Street-Elm Grove, P.O. Box 2089, Wheeling, West Virginia 26003–0289.	52	193,492
Parkersburg Housing Authority (WV005)	1901 Cameron Avenue, Parkersburg, West Virginia 26101–0000.	75	270,675
Housing Authority of Mingo County (WV037)	P.O. Box 2239, Williamson, West Virginia 25661–0000	96	316,896
Huntington West Virginia Housing Authority (WV004)	P.O. Box 2183, Huntington, West Virginia 25722–0000	96	370,656
The City of Ashland Housing Authority (WI131)	319 Chapple Avenue, Ashland, Wisconsin 54806–0000	10	28,100
Housing Authority of the City of Washburn (WI127)	420 East Third Street, Washburn, Wisconsin 54891–0000.	14	32,256
Dunn County Housing Authority (WI160)	1421 Stout Road, Menomonie, Wisconsin 54751–0000	18	59,256
City of New Berlin Housing Authority (WI259)	120 Corrina Blvd., Waukesha, Wisconsin 53186–0000	14	59,346

Applicant name	Address, city, state, zip	Vouchers	Amount
Sawyer County Housing Authority (WI222)	P.O. Box 791, Hayward, Wisconsin 54843–0000	25	73,650
Chippewa County Housing Authority (WI248)	711 North Bridge Street #14, Chippewa Falls, Wisconsin 54729–0000.	50	157,600
City of Appleton Housing Authority (WI217)	525 N. Oneida Street, Appleton, Wisconsin 54911–4749	50	163,450
Waukesha County Housing Authority (WI261)	120 Corrina Blvd., Waukesha, Wisconsin 53186–0000	58	266,742
Kenosha Housing Authority (WI195)	625–52nd Street, Kenosha, Wisconsin 53140–0000	100	511,100
City of Waukesha Housing Authority (WI142)	120 Corrina Boulevard, Waukesha, Wisconsin 53186–0000.	132	607,464
Racine County Housing Authority (WI183)	837 Main Street, Racine, Wisconsin 53403–0000	256	1,031,936
CDA Housing Operations (WI003)	P.O. Box 1785 Madison, Wisconsin 53701–1785	246	1,336,272
Housing Authority of the City of Casper (WY004)	800 Werner Court, Suite 230, Casper, Wyoming 82604–0000.	20	84,640
Cheyenne Housing Authority (WY002)	3304 Sheridan Street, Cheyenne, Wyoming 82009–0000	20	94,400

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BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Applicant: Larry Ludwig, Lake Oswego, OR, PRT–030862.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Juan Ignacio Pasquel, Laredo, TX, PRT–039936.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Deborah Cunningham, Montgomery, TX, PRT–040860.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: The Houston Zoo, Houston, TX, PRT–040158.

The applicant requests a permit to export one female St. Vincent parrot (*Amazona guildingii*) to Loro Parque Fundacion, Tenerife, Spain for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Austin Zoo, Austin, TX, PRT–040094.

The applicant requests a permit to import one male tiger (*Panthera tigris*) cub, of hybridized sub-species, from Welland and District Humane Society, Welland, Ontario, Canada, for the purpose enhancement of the survival of the species through conservation education.

Applicant: University of California, Davis, Davis, CA, PRT–040181.

The applicant requests a permit to import tissue samples from salvaged, unhatched eggs of tracaja (*Podocnemis unifilis*) and tartaruga (*Podocnemis expansa)*, from the Reserva Nacional Pacaya Samiria (RNPS), Loreto Province, Peru, for the purpose of scientific research.

Applicant: San Antonio Zoological Gardens, San Antonio, TX, PRT–038711.

The applicant requests a permit to export two live specimens of cotton-topped tamarin (*Saguinus oedipus oedipus*) to Mogo Zoo, Mogo, Australia, for the purpose of enhancement of the species through captive propagation.

Applicant: Kurt Landig, Fremont, OH, PRT–039273.

The applicant requests a permit to export molted feathers obtained from captive born white-eared pheasant (*Crossoptilon crossoptilon*) and brown-eared pheasant (*Crossoptilon mantchuricum*). The feathers will be exported to the University of Nottingham, Division of Genetics, Nottingham, United Kingdom, for the purpose of scientific research.

Applicant: Mitchel Kalmanson, Maitland, FL, PRT–040160.

The applicant requests a permit to export and re-import captive-born tigers (*Panthera tigris*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: World Wildlife Heritage Foundation, Santa Clara, Utah PRT–035690.

Permit Type: Import for public display.

Name and Number of Animals: Polar Bear (*Ursus maritimus*), 1.

Summary of Activity to be Authorized: The applicant requests a permit to import one mounted polar bear specimen harvested from the Davis

Strait population, Canada, for the purpose of public display.

Source of Marine Mammals: Harvested from Davis Strait population in Canada.

Period of Activity: 1 year.

Applicant: National Biological Services, Alaska Biological Science Center, Anchorage, Alaska, PRT–801652.

Permit Type: Take and/or Import for Scientific Research.

Name and Number of Animals: Walrus (*Odobenus rosmarus*) Variable.

Summary of Activity to be Authorized: The applicant requests renewal of their permit to capture, immobilize, tag, implant transmitters, collect blood, tissue and whisker samples, biopsy and release walrus from the wild to continue scientific research to develop reliable methods for anesthetizing and holding walrus, develop methods for attaching transmitters and testing these devises in determining walrus movements, diving and haulout patterns and collect data on physiological status and life history parameters of walrus. The applicant requests authorization to live capture for tagging or physiological studies a total of up to 250 animals over a five year period. Collect biopsies with biopsies darts delivered with projector a total of up to 300 animals per year over a five year period, tag a total of up to 300 animals per year over a two year period and collect unlimited samples from animals found dead. The applicant also intends to import biological samples collected from walrus outside of the United States.

Source of Marine Mammals: Wild walrus from Alaska.

Period of Activity: Up to 5 years, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Applicant: Joseph Cocozzo, Mechanicville, NY, PRT–040809

The applicant request a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound population in Canada for personal use.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

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 to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 3, 2001.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–9631 Filed 4–17–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tribal Consultation on Indian Education Topics

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meeting.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) will conduct a consultation meeting to obtain oral and written comments concerning revisions to the application, instructions, and ranking criteria for replacement construction of education facilities for the 2001 priority ranking process.

DATES: The consultation meeting will be held May 1 through May 3, 2001 in Albuquerque, New Mexico at the address noted below. Written comments must be received on or before April 24, 2001 at the address below. The meeting will begin each day at 9:00 a.m. and continue until 3:00 p.m. (local time) or until all meeting participants have had an opportunity to make comments.

ADDRESSES: The meeting will be held at the Wyndham Hotel (Albuquerque Airport), 2910 Yale Boulevard SE, Albuquerque, New Mexico 87106, tel. 505–843–7000.

Send written comments on the consultation topic to the BIA Office of Indian Education Programs at 1849 C St. NW, MS–3512 MIB, Washington, D.C. 20240 or to 201 Third St. NW, Suite 510, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Comments regarding the application process, instructions, or ranking criteria may be submitted to Dr. Kenneth G. Ross, Special Assistant to the Director, Office of Indian Education Programs, 201 Third St. NW, Suite 510, Albuquerque, New Mexico 87103, (505) 346–6544, Fax (505)346–6553, or to applicable Education Line Officers.

SUPPLEMENTARY INFORMATION: The meeting is a follow-up to the replacement school application and priority ranking process conducted by the BIA in 1999. The session will provide an opportunity for Indian tribes, school boards, parents, Indian organizations, and other interested parties to comment on issues raised during the previous ranking process and possible changes to be made in the 2001 ranking process. The proposed ranking of replacement school applications for future construction supports the Administration's commitment to improve educational teaching and learning environments for Native American children by replacing deteriorated school structures with quality educational facilities.

The Bureau's application evaluation criteria have been developed to determine the extent of unfavorable conditions which may exist at an educational facility. The criteria are intended to provide information regarding: structural problems; deteriorated infrastructure and facility conditions; building and building system code violations; unmet health, safety, and handicapped requirements; and the unmet spatial and educational program needs of Bureau-funded schools. Applications for school projects will be evaluated and rated against the published criteria. The highest ranking projects will be identified for future budget requests as specified in the Bureau's annually updated 5-Year Plan for Capital Asset Management.

25 U.S.C. 2005(c) requires the Bureau to prepare and submit a list of proposed projects, ranked in priority order, when any budget request for school construction is presented. The Bureau uses the priority list to determine the order in which Congressional appropriations are requested to fund educational facilities replacement construction projects. This ensures that scarce Federal resources will be used to correct the most severe deficiencies at Bureau-funded educational facilities.

The Bureau, by individual letter, has notified the Tribes and Tribal school boards regarding the scheduled consultation meeting. In addition, notice of the meeting has been announced and distributed nationwide in the Bureau's facilities management newsletter. The meeting supports administrative policy on tribal

consultation by encouraging maximum direct participation of representatives of tribal governments, tribal organizations, and BIA funded schools in important processes.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Written Comments

Comments, including names, street addresses, and other contact information of respondents, will be available for public review at the address listed under **ADDRESSES** section during regular business hours (7:45 a.m. to 4:15 p.m. EST), Monday through Friday, except Federal holidays. Individual respondents may request confidentiality. If you wish us to withhold your name, street address, and other contact information (such as fax or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law. We will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

Dated: April 12, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–9610 Filed 4–17–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–01–1220–AA: GPO1–0113]

Notice of Postponement of Meeting of the National Historic Oregon Trail Interpretive Center Advisory Board

AGENCY: Bureau of Land Management (BLM), Vale District, Oregon.

ACTION: Notice of postponement of meeting.

SUMMARY: Notice is given that the meeting of the National Historic Oregon Trail Interpretive Center Advisory Board scheduled for April 19, 2001, at the Sunridge Inn in Baker City, Oregon, has been postponed. BLM will provide notice when the meeting is rescheduled.

FOR FURTHER INFORMATION CONTACT: David B. Hunsaker, Bureau of Land Management National Historic Oregon Trail Interpretive Center, P.O. Box 987, Baker City, Oregon 97814, (541) 523–1845.

Dated: April 13, 2001.

Josephine Gabiola,

Acting Vale District Manager.

[FR Doc. 01–9660 Filed 4–17–01; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–227]

Annual Report on the Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers and Beneficiary Countries

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with the 2000 biennial report.

EFFECTIVE DATES: April 11, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Jennings (202–205–3260), Country and Regional Analysis Division, Office of Economics, U.S. International Trade Commission, Washington, DC 20436.

Background: Section 215(a) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2704(a)), as amended, requires that the Commission submit biennial reports to the Congress and the President regarding the economic impact of the Act on U.S. industries and consumers, and on beneficiary countries. Section 215(b)(1) requires that the reports include:

(1) The actual economic effect of CBERA on the U.S. economy generally as well as on specific industries which produce articles that are like, or directly competitive with, articles being imported under the Act; and

(2) The probable future effect of CBERA on the U.S. economy generally and on industries affected by the Act.

(3) The impact of CBERA in promoting export-oriented growth and diversification of production in the beneficiary countries.

The latter item constitutes an addition to the Commission's mandated reporting requirement and will be undertaken for the first time as part of this year's report. The United States-Caribbean Basin Trade Partnership Act (19 U.S.C. 2701), Title II of the Trade and Development Act of 2000, amended the original CBERA legislation by broadening the scope of the Commission's reporting requirement and modifying the frequency of Commission reporting. The requirement was changed from an annual to a biennial report.

Notice of institution of the investigation and the schedule for such reports was published in the **Federal Register** of May 14, 1986 (51 FR 17678). The fifteenth report, covering calendar year 2000, is to be submitted by September 30, 2001.

Written Submissions: The Commission does not plan to hold a public hearing in connection with the preparation of this fifteenth report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission 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 section 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 for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than June 29, 2001.

Address all submissions to the Secretary to the Commission, U.S. International Trade Commission, 500 E St., SW., Washington, DC 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

Issued: April 11, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–9516 Filed 4–17–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–921 (Preliminary)]

Folding Gift Boxes From China

Determination

On the basis of the record[1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of folding gift boxes, provided for in subheadings 4819.20.00 and 4819.50.40 (statistical reporting numbers 4819.20.0040 and 4819.50.4060) of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On February 20, 2001, a petition was filed with the Commission and the Department of Commerce by Harvard Folding Box Company, Inc., Lynn, MA, and Field Container Company, L.P., Elk Grove, IL, alleging that an industry in the United States is materially injured and is threatened with material injury by reason of LTFV imports of folding gift boxes from China. Accordingly, effective February 20, 2001, the Commission instituted antidumping duty investigation No. 731–TA–921 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 1, 2001 (66 FR 12957). The conference was held in Washington, DC, on March 13, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 6, 2001. The views of the Commission are contained in USITC Publication 3411 (April 2001), entitled Folding Gift Boxes from China: Investigation No. 731–TA–921 (Preliminary).

Issued: April 12, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–9517 Filed 4–17–01; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–929–931 (Preliminary)]

Silicomanganese From India, Kazakhstan, and Venezuela

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731–TA–929–931 (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 India, Kazakhstan, and Venezuela of silicomanganese (also known as ferrosilicon manganese), provided for in subheadings 7202.30.00 and 7202.99.50 (statistical reporting numbers 7202.30.0000 and 7202.99.5040) 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 May 21, 2001. The Commission's views are due at the Department of Commerce within five business days thereafter, or by May 29, 2001.

For further information concerning the conduct of these investigations 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: April 6, 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 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 these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on April 6, 2001, by Eramet Marietta Inc., Marietta, OH, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639, Belpre, OH.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations 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 these investigations 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 these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, 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 these investigations for 9:30 a.m. on April 30, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Jeff Clark (202–205–3195) not later than April 26, 2001, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations 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 May 3, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. 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 investigations must be served on all other parties to the investigations (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: These investigations are 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.

By order of the Commission.

Issued: April 11, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–9515 Filed 4–17–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–429]

Wheat Trading Practices: Competitive Conditions Between U.S. and Canadian Wheat

AGENCY: United States International Trade Commission (ITC).

ACTION: Initiation of investigation and notice of hearing.

EFFECTIVE DATE: April 12, 2001.

SUMMARY: Following receipt of a request on April 2, 2001, from the United States Trade Representative (USTR), under section 332(g) of the Tariff Act of 1930, the Commission instituted investigation No. 332–429, Wheat Trading Practices: Competitive Conditions Between U.S. and Canadian Wheat.

FOR FURTHER INFORMATION CONTACT: For general information, contact John Reeder (202–205–3319; reeder@usitc.gov), or Roger Corey (202–205–3327; corey@usitc.gov), Agriculture and Forest Products Division, Office of Industries. For information on legal aspects, contact William Gearhart (202–205–3091; wgearhart@usitc.gov), Office of the General Counsel, U.S. International Trade Commission. Hearing impaired persons can obtain information on these studies by contacting the Commission's TDD terminal on (202) 205–1810. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Background: As requested by the USTR, the Commission will provide the following information in its report to the extent possible:

- A summary of a survey of U.S. Hard Red Spring wheat and Durum wheat purchasers, including wheat millers, as to the conditions of competition between U.S. and Canadian wheat during the 5 most recent years, including such data as quantity and prices, technical considerations in the purchase and sale of U.S. versus Canadian wheat, and other relevant factors of competition;
- A summary of a survey of U.S. Hard Red Spring wheat and Durum wheat exporters as to conditions of competition in key foreign markets in Latin America, the Philippines and other significant markets, between U.S. and Canadian wheat during the 5 most recent years, providing such data as quantity and prices, lost sales of U.S. wheat versus Canadian wheat, technical considerations in the purchase and sale of U.S. versus Canadian wheat, and other relevant factors of competition; and
- A summary of the current conditions of wheat trade between the United States and Canada, including relevant information on prices, exchange rates, transportation, marketing practices, U.S. and Canadian farm policies, and other significant economic factors that might be relevant.

The Commission plans to submit the confidential report to USTR by September 24, 2001, as requested. The letter stated that the Office of the USTR in October 2000 initiated an investigation under section 301 of the Trade Act of 1974 concerning the acts, policies, and practices of the Canadian Wheat Board (CWB) and the Government of Canada, and that in the course of that investigation representatives of the U.S. wheat industry alleged a number of potentially trade distorting practices, including CWB standing offers to undersell irrespective of market conditions in Canada, the United States and third markets, and a CWB practice of regularly supplying protein levels that are higher than the levels specified in the sales contracts.

Public Hearing: A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on June 6, 2001. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than

5:15 p.m., May 23, 2001. All prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., May 25, 2001; the deadline for filing post-hearing briefs or statement is 5:15 p.m., June 18, 2001. In the event that, as of the close of business on May 24, 2001, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–1806) after May 24, 2001, to determine whether the hearing will be held.

Written Submissions: Commercial or financial information that a person desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules (19 CFR 201.6) All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration, written statements relating to the Commission's report should be submitted at the earliest possible date and should be received not later than June 18, 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 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.

List of Subjects: Wheat, imports, exports, wheat trading practices, Canadian Wheat Board, Durum wheat, Hard Red Spring wheat.

Issued: April 13, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–9617 Filed 4–17–01; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Office of Foreign Relations; Global HIV/AIDS Workplace Education Program

AGENCY: Bureau of International Labor Affairs (ILAB), Office of the Secretary, Labor.

ACTION: Notice of availability of funds and request for interested parties.

SUMMARY: The Bureau of International Labor Affairs (ILAB) in the Office of the Secretary, will award funds to multilateral organizations (other than profit-making organizations) to develop and implement HIV/AIDS workplace education programs on a worldwide basis. ILAB is seeking notices of interest from qualified organizations for the implementation of workplace prevention education for HIV/AIDS, capacity building activities for government, business, and labor to respond to the pandemic outbreak, and development of workplace policy statements addressing the issue of stigma and discrimination against people living with HIV/AIDS. Applications should not be submitted; another notice will announce the solicitation for grant applications, if necessary. Authority for this program may be found in the Consolidated Appropriations Act, 2001.

DATES: The notice deadline is 4:30 p.m., Eastern Daylight Time, May 3, 2001. Notice must be mailed to Lisa Harvey, Grant Officer, OASAM, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N 5416, Washington, DC 20210. Notices will not be accepted by fax.

FOR FURTHER INFORMATION CONTACT: Cathryn Celeste Helm, Coordinator, USDOL Global HIV/AIDS Workplace Program, telephone: (202) 693–4818 (this is not a toll-free number); e-mail: *helm-cathryn@dol.gov <mailto:helm-cathryn@dol.gov>*

SUPPLEMENTARY INFORMATION:

What Is the Purpose of the Program?

The grants provide funds for prevention and education activities focusing on training for Ministries of Labor, employers, and workers (tripartite stakeholders) to reduce the number of new HIV infections for workers, their families, and communities.

The program emphasizes three areas:

- Prevention education in the workplace for HIV/AIDS, addressing gender issues and referral to care and support services, including confidential voluntary counseling and testing;
- Workplace policy statements/codes of conduct addressing issues of discrimination against workers living with HIV/AIDS; and
- Capacity building for the tripartite social partners—coordinating and strengthening the response of government, business, and labor leaders.

Grantees are expected to conduct mission trips in targeted countries, develop project designs, implement comprehensive education programs addressing HIV/AIDS and related socio-economic issues, develop workplace policy statements addressing issues of discrimination, work with the tripartite stakeholders to provide prevention education and build political will, and conduct studies on the socio-economic impact of HIV/AIDS. Grantees also will be expected to monitor and evaluate the results of the program through baseline and knowledge assessment surveys.

Who Is Eligible To Apply for a Grant?

Any multilateral organization (other than profit-making organizations) is eligible to apply.

What Can Grant Funds Be Spent On?

Grant funds can be spent on any of the following:

- Conducting mission trips.
- Developing project designs.
- Development and dissemination of information, education, and communication (IEC) materials.
- Conducting training activities, including workshops.
- Developing workplace policy statements.
- Reviewing labor laws on discrimination.
- Impact studies on the socio-economic impact of HIV/AIDS.
- Conducting baseline surveys and knowledge assessment studies.

What Are the Grant Requirements?

* *ILAB overview of project designs.* ILAB will review project designs developed by the grantee for necessary project components and technical relevance of activities. ILAB will also review information, education and communication materials.

* OMB and regulatory requirements. Grantees must comply with the following requirements:

- 29 CFR part 95, which covers grant requirements for nonprofit organizations, when applicable.
- OMB Circular A–122, which describes allowable and unallowable costs for nonprofit organizations, other than educational institutions, when applicable.

How Are Applications Reviewed and Rated?

ILAB will review grant applications and present the results to the Grant Officer who will make the selection of organizations to be awarded grants. In general, applications which do not propose to meet the necessary criteria will not be selected.

The following factors will be considered in evaluating a grant application:

1. *Program Design:* The proposed HIV/AIDS workplace education program must address all of the following:

* Education and training for government, business, and labor leaders, as well as private work sites and vocational schools, as appropriate.

* Development of workplace policy statements/codes of conduct.

* Capacity building for the tripartite stakeholders.

* The proposal has clearly stated objectives and activities, which are appropriate and related to the stated objectives.

* The organization has the global infrastructure and human resources to conduct the program on a worldwide basis, and to reach out directly to the tripartite social partners.

* The proposal includes plans for baseline surveys and knowledge assessment studies, and studies on the socio-economic impact of HIV/AIDS.

* The proposal includes a plan to evaluate the program's effectiveness and includes plans for sustainability of the program.

2. *Capability of the* Organization to Provide Services:

* The organization applying for the grant has experience in or the capability of working directly with the tripartite stakeholders, experience or the capability of reviewing and drafting legislative frameworks, and developing workplace policies and codes of conduct addressing discrimination.

* The organization applying for the grant has experience in or the capability of performing workplace education.

* The organization applying has experience in or the capability of managing a variety of programs.

* The application is complete, including forms, budget detail, narrative, work plan, and required attachments.

Note: The capability of the organization may be demonstrated by one or more staff members assigned to oversee the project having experience in the following areas:

(1) Workplace safety and health programs; (2) labor law and codes of conduct; (3) research on the socio-economic impact of HIV/AIDS; and (4) the capacity to develop direct access to Ministries of Labor, employers' organizations, and trade union representatives or comparable entities.

3. *Budget:*

* The budgeted costs are reasonable.

* The budget complies with Federal cost principles (which can be found in the applicable OMB Circulars) and with ILAB budget requirements contained in the grant application instructions.

How Much Money Is Available for Grants?

There is approximately $ 8.5 million available for this program. The agency has not determined the number of grants to be awarded and the amount of each grant award.

What Is the Length of Time for the Grants Awarded?

The grants are to be awarded for a three-year period.

What the Notice of Interest Should Include?

The Notice of Interest must include a brief description of the interested party and brief summary of types of past grants that the interested party has been awarded. The notice should be no longer than two pages.

Signed in Washington, DC, this 12th day of April, 2001.

Lawrence Kuss,

Grant Officer.

[FR Doc. 01–9573 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Employment and Training Administration

Division of Foreign Labor Certification; Designation of Centralized Location in Each State for the Processing of H–2A Applications; General Administration Letter No. 2–01

The Employment and Training Administration administers and interprets the requirements of the temporary, alien agricultural labor certification (H–2A) program. These interpretations are issued in General Administration Letters (GAL's) to its Regional Offices and the State Employment Security Agencies. The GAL below is published in the **Federal Register** in order to inform the public.

GAL No. 2–01

GAL No. 2–01 lists the centralized H–2A processing locations in each state.

Signed at Washington, DC this 10th day of April 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary of Labor.

U. S. Department of Labor

Employment and Training Administration
Washington, D.C. 20210

Classification: H–2A
Correspondence Symbol: OWS
Date: March 14, 2001
Directive: General Administration Letter No. 2–01
To: All State Employment Security Agencies
From: Lenita Jacobs-Simmons, Deputy Assistant Secretary
Subject: Designation of Centralized Location in Each State for the Processing of H–2A Applications

1. *Purpose.* To distribute a list of the centralized H–2A processing locations in each State.

2. *References.* 20 CFR part 655, Subpart B 20 CFR 655.101(a).

3. *Background.* As a result of funding reductions and streamlining measures which have occurred throughout the years, most States have transferred the H–2A functions to a centralized location within the State to better coordinate the programmatic efforts between the State and the Regional Office and to expedite the H–2A certification process. The H–2A regulations at 20 CFR 655.101 require the simultaneous submission of an H–2A application to the Regional Office of the Department of Labor (DOL) and the State Employment Service Agency (SESA) in the area of intended employment. While most of the functions of the H–2A process are actually administered by one or more State-level office(s), the regulations frequently refer to the local offices of the SESA when referring to the recruitment process of the application. Most, if not all, of the correspondence that occurs during the submission of the application and the recruitment process is actually between the employer and a centralized location within the State, since most States have designated a centralized location for the processing of H–2A applications.

4. *Action Required.* SESAs are required to assure that employers using the H–2A program in their areas are aware of the specific location where filing and notification must occur. In the very near future, the Employment and Training Administration web site will include the listing of the SESAs' Central Office processing addresses which will be updated periodically.

5. *Inquiries.* Address questions and inquiries to Charlene Giles at (202) 693–2950.

6. *Attachment.* Listing of State Employment Service Agencies with Central Offices processing H–2A applications.

H–2A State Job Service Offices

Region I—Boston

Connecticut

Department of Labor
200 Folly Brook Blvd.
Wethersfield, CT 06109
Phone: (860) 263–6020

Maine

Department of Labor

45 State House Station
Augusta, ME 04333–0045
Phone: (207) 624–6487

Massachusetts

Massachusetts Division of Employment and Training
Charles F. Hurley ES Building
Boston, MA 02114
Phone: (617) 626–5358

New Hampshire

New Hampshire Department of Employment Security
32 South Main Street
Concord, NH 03301
Phone: (603) 228–4083

Rhode Island

Rhode Island Dept. of Labor and Training
Center General Complex, Building 73
1511 Pontiac Ave.
Cranson, RI 02920–4407
Phone: (401) 462–8813

Vermont

Vermont Department of Employment and Training
700 Exchange St., Suite 106
Middlebury, VT 05753–1529
Phone: (802) 388–5716

Region I—New York

New Jersey

New Jersey Department of Labor
Labor Building, John Fitch Plaza
Trenton, NJ 08625
Phone: (609) 777–1838

New York

New York State Department of Labor
State Campus Office Bldg #12, Rm 286
Albany, NY 12240
Phone: (518) 457–6798

Puerto Rico

Puerto Rico Department of Labor
Metro Center Building Mayaguez St. Corner Cidra
San Juan, PR 00918
Phone: (787) 754–5151 ext 2292

Region II—Philadelphia

Delaware

4425 N Market Street
Wilmington, DE 19809–0828
Phone: (302) 761–8116

Maryland

Maryland Department of Labor
Suite 100
14 North Potomac Street
Hagerstown, MD 21740
Phone: (301) 393–8218

Pennsylvania

Bureau of Employer & Career Services
7th and Forster Streets, 13th Floor
Harrisburg, PA 17120
Phone: (717) 787–6521

Virginia

Virginia Employment Commission
P.O. Box 1358, Room 333
Richmond, VA 23211
Phone: (804) 786–8714

Virginia Employment Commission
192 Bristol East Road
P.O. Box Drawer 16129
Bristol, VA 24209–6129
Phone: (540) 642–7350

Virginia Employment Commission
400 Preston Avenue
P.O. Box 1587
Charlottesville, VA 22902–1587
Phone: (804) 984–7630

Virginia Employment Commission
910 North Mecklenburg Ave
P.O. Box 6800
Danville, VA 24540
Phone: (804) 791–5291

Virginia Employment Commission
5240 Oaklawn Boulevard
Hopewell, VA 23860
Phone: (804) 541–6503

Virginia Employment Commission
3204 Main Street
P.O. Box 9
Onley, VA 23418
Phone: (757) 302–2029

Virginia Employment Commission
P.O. Box 40008
Roanoke, VA 24022
Phone: (540) 561–7489

Virginia Employment Commission
P.O. Box 485
South Hill, VA 23970
Phone: (804) 447–8700

Virginia Employment Commission
P.O. Box 67
Warsaw, VA 22572
Phone: (804) 333–3675

Virginia Employment Commission
100 Premier Place
Winchester, VA 22602
Phone: (540) 722–3415

West Virginia

Bureau of Employment Programs
112 California Avenue
Charleston, WV 25305
Phone: (304) 558–2850

Region III—Atlanta

Alabama

Department of Labor
Industrial Relations Building, Room 2805
649 Monroe Street
Montgomery, AL 36131
Phone: (334) 242–8020

Florida

Agency for Workforce Innovation
P.O. Box 10869
Tallahassee, FL 32302–0512
Phone: (850) 921–3830

Georgia

Georgia Department of Labor
148 International Blvd., Suite 450
Atlanta, GA 30303
Phone: (404) 656–3164

Kentucky

Division of Employment Services
Frankfort, KY 40621
2 West 275 East Main Street
Phone: (502) 564–7456

Mississippi

Mississippi Employment Security Commission
P.O. Box 1699
Jackson, MS 39215
Phone: (601) 961–7529

North Carolina

North Carolina Employment Security Commission
P.O. Box 27625
Raleigh, NC 27611
Phone: (919) 733–3210

South Carolina

South Carolina Employment Security Commission
P.O. Box 1406
Columbia, SC 29202
Phone: (803) 737–2599

Tennessee

Department of Labor and Workforce Development
Davy Crockett Tower—11th Floor
500 James Robertson Pkwy.
Nashville, TN 37245–1200
Phone: (615) 741–1977

Region IV—Dallas

Arkansas

Employment Security Department
Post Office Box 2981
Little Rock, AR 72203–2981
Phone: (501) 682–3129

Colorado

Colorado Dept of Labor & Employment
Tower 2, Suite 400
1515 Arapahoe St.
Denver, CO 80202–2117
Phone: (303) 620–4202

Louisiana

Louisiana Department of Labor
Post Office Box 94094
Baton Rouge, LA 70804–9094
Phone: (225) 342–3280

Montana

Department of Labor & Industry
Box 1728
Helena, MT 59624
Phone: (406) 444–3480

New Mexico

New Mexico Department of Labor
401 Broadway, NE
P.O. Box 1928
Albuquerque, NM 87103
Phone: (505) 841–8878

North Dakota

Job Service of North Dakota
P.O. Box 1727
Minot, ND 57502
Phone: (701) 857–7557

Oklahoma

Oklahoma Employment Security Commission
Will Rogers Memorial Office Building
P.O. Box 52003
Oklahoma City, OK 73152–2003
Phone: (405) 557–7126

South Dakota

South Dakota Dept. of Labor
700 Governors Drive
Pierre, SD 57501
Phone: (605) 773–3101

Texas

Texas Workforce Commission
101 E. 15th Street Room 424T
Austin, Texas 78778
Phone: (512) 463–2977

Utah

Utah Department of Workforce Services
140 E 300 Street
Salt Lake City, UT 84145–0249
Phone: (801) 526–9459

Wyoming

Department of Employment
P.O. Box 70
Rawlins, WY 82301–0070
Phone: (307) 324–3485

Region V—Chicago

Illinois

Illinois Department of Employment Security
401 South State Street, 7th Floor
Chicago, IL 60605
Phone: (312) 793–6807

Indiana

Indiana Dept. of Workforce Development
10 N. Senate Ave.
Indianapolis, IN 46204
Phone: (317) 232–7187

Iowa

Iowa Workforce Development
150 Des Moines St.
Des Moines, IA 50309–5563
Phone: (515) 281–9336

Kansas

Department of Human Resources
Division of Employment and Training
401 Southwest Topeka Blvd.
Topeka, KS 66603–3182
Phone: (785) 296–5014

Michigan

Michigan Dept of Career Development
7310 Woodward Ave.
Detroit, MI 48202
Phone: (313) 876–5284

Missouri

Division of Employment Security
P.O. Box 1087
Jefferson City, MO 65102
Phone: (573) 751–3773

Minnesota

Minnesota Dept of Economic Security
390 N. Robert St.
Minneapolis, MN 55101
Phone: (651) 296–2949

Nebraska

Nebraska Workforce Development
P.O. Box 94600
Lincoln, NE 68509
Phone: (402) 471–2776

Ohio

Ohio Dept of Jobs & Family Services
145 S. Front Street
Columbus, OH 43216
Phone: (614) 644–7288

Wisconsin

Wisconsin Dept. of Workforce Development
201 E. Washington Ave.
Madison, WI 53707
Phone: (608) 266–0017

Region VI—San Francisco

Alaska

Alaska Department of Labor & Workforce Development
P.O. Box 25509
Juneau, AK 99802
Phone: (907) 465–5956

Arizona

Arizona Department of Economic Security
P.O. Box 6123
Phoenix, AZ 85007
Phone: (602) 542–6515

California

Employment Development
800 Capitol Mall, MIC 37
Sacramento, CA 95814
Phone: (916) 654–9270

Hawaii

Workforce Development Division
830 Punchbowl Street Room 329
Honolulu, HI 96813
Phone: (808) 586–8820

Idaho

Idaho Department of Labor
317 W Main Street
Boise, ID 83735
Phone: (208) 334–6139

Nevada

Department Employment Training & Rehabilitation
500 East 3rd Street
Carson City, NV 89713
Phone: (775) 684–0415

Oregon

Oregon Employment Department
875 Union Street NE Rm 201
Salem, OR 97311
Phone: (503) 947–1679

Washington

Employment Security Department—WorkSource Operations Division
P.O. Box 9046
Olympia, WA 98507–9046
Phone: (360) 438–3285

[FR Doc. 01–9574 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards 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 Standards Administration is soliciting comments concerning the proposed extension collection of the following information collections: (1) Regulations 29 CFR Part 4, Labor Standards for Federal Service Contracts; (2) Employer's First Report of Injury or Occupational Disease (LS–202), Physician's Report on Impairment of Vision (LS–205), Employer's Supplementary Report of Accident or Occupational Illness (LS–210); and (3) Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721) and Notice of Law Enforcement Officer's Death (CA–722).

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 18, 2001.

ADDRESSES: Ms. Patricia A. Forkel, U. S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Regulations 29 CFR Part 4—Labor Standards for Federal Service Contracts

I. Background

The Service Contract Act (SCA) and Regulations 29 CFR Part 4 impose certain recordkeeping and incidental reporting requirements applicable to employers with employees performing on service contracts within the Federal government. The basic payroll recordkeeping requirements contained in this regulation (sections 4.6(g)(i) through (iv)) have been previously approved under OMB number 1215–0017, which constitutes the basic recordkeeping regulations for all laws administered by the Wage and Hour Division. This information collection request contains three requirements not cleared under the above information collection. They are: a vacation benefit seniority list, which is used by the contractor to determine vacation fringe benefit entitlements earned and accrued by service contract employees who were employed by predecessor contractors; a conformance record report, which is used by Wage and Hour to determine the appropriateness of the conformance and compliance with the SCA and its regulations; and a collective bargaining agreement, submitted by the contracting agency to Wage and Hour to be used in the issuance of wage determinations for successor contracts subject to section 2(a) and 4(c) of the SCA.

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.

II. Current Actions

The Department of Labor seeks the extension of approval for this information collection in order to carry out the provisions of the Service Contract Act.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Regulations 29 CFR Part 4—Labor Standards for Federal Service Contracts.

OMB Number: 1215–0150.

Affected Public: Businesses or other for-profit; Federal government.

Frequency: On occasion.

Requirement	Number of respondents	Average time per response	Burden hours
Vacation Benefit List	62,332	1 hour	62,332
Conformance Record	194	½ hour	97
Collective Bargaining Agreements	1,500	5 minutes	125

Total Respondents: 64,026.

Estimated Total Burden Hours: 62,554.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Employer's First Report of Injury or Occupational Disease (LS–202); Physician's Report on Impairment of Vision (LS–205); Employer's Supplementary Report of Accident or Occupational Illness (LS–210)

I. Background

The Longshore and Harbor Workers' Compensation Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employee in loading, unloading, repairing, or building a vessel. The LS–202 is used by employers initially to report injuries that have occurred which are covered under the Longshore Act and its related statutes. The LS–210 is used to report additional periods of lost time from work. The LS–205 is a medical report based on a comprehensive examination of visual impairment.

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 Department of Labor seeks the extension of approval of this information collection in order to ensure that employers are complying with the reporting requirements of the Act and to ensure that injured claimants receive all compensation benefits to which they are entitled.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Employer's First Report of Injury or Occupational Disease (LS–202); Physician's Report on Impairment of Vision (LS–205); Employer's Supplementary Report of Accident or Occupational Illness (LS–210).

OMB Number: 1215–0031.

Agency Number: LS–202, LS–205, LS–210.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Form	Total respondents	Average time per response	Burden hours
LS–202	24,000	15 minutes	6,000
LS–205	80	45 minutes	60
LS–210	2,580	15 minutes	645

Total Responses: 26,660.

Estimated Total Burden Hours: 6,705.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $11,100.

Notice of Law Enforcement Officer's Injury or Occupational Illness (CA–721); Notice of Law Enforcement Officer's Death (CA–722)

I. Background

The Federal Employees' Compensation Act (FECA) provides, under 5 U.S.C. 8191, et. seq., that non-Federal law enforcement officers injured or killed under certain circumstances are entitled to the benefits of the Act, to the same extent as if they were employees of the Federal government. The CA–721 and CA–722 are used by non-Federal law enforcement officers and their survivors to claim compensation under the FECA. Form CA–721 is used for claims for injury and Form CA–722 is used for claims for death.

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 Department of Labor seeks the extension of approval of this information collection in order to determine eligibility for benefits.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721); Notice of Law Enforcement Officer's Death (CA–722).

OMB Number: 1215–0116.

Agency Number: CA–721; CA–722.

Affected Public: Individuals or households; Business or other for-profit; State, Local or Tribal Government.

Frequency: On occasion.

Form	Total respondents	Average time per response	Burden hours
CA–721	8	1 hour	8
CA–722	15	1.5 hours	23

Total Responses: 23.

Estimated Total Burden Hours: 31.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $8.51.

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: April 10, 2001.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 01–9575 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Employment Standards Administration

Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees

AGENCY: Employment Standards Administration, Labor.

ACTION: Interim Procedural Notice.

SUMMARY: The Employment Standards Administration (ESA) is issuing this interim procedural notice to assist federal contractors and subcontractors in meeting their obligations under Executive Order 13201 (66 FR 11221, February 22, 2001) issued pursuant to the Constitution and laws of the United States, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.* and in order to ensure the economical and efficient administration and completion of Government contracts.

EFFECTIVE DATE: April 18, 2001.

FOR FURTHER INFORMATION CONTACT: Don Todd, Deputy Assistant Secretary, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S2321, Washington, DC 20210 at (202) 693–0200 (this is not a toll-free number). Individuals with hearing impairments may call 1–800–877–8339 (TTY/TDD).

SUPPLEMENTARY INFORMATION: This interim procedural notice is intended to provide guidance during the period between the April 18, 2001 effective date of the Order and the date ESA issues a final rule implementing the Order to employers who, on or after April 18, 2001, enter into a federal contract other than collective bargaining agreements as defined in 5 U.S.C. 7103(a)(8) and purchases under the ''Simplified Acquisition Threshold'' as defined in the Office of Federal Procurement Policy Act (41 U.S.C. 403). During this interim period, such employers may fulfill their posting obligations under the Order by replicating the text of the Employee Notice which is set forth below and posting it in conspicuous places in and about their plants and offices, including all places where notices to employees are customarily posted. Executive Order 13201 also requires federal contractors and subcontractors to include a clause in federally connected subcontracts and purchase orders requiring subcontractors and vendors to post the notice. Following is the text of the required Notice:

Notice to Employees

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union-security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collecting bargaining, contract administration, or grievance adjustment.

If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment. If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

For further information concerning your rights, you may wish to contact the National Labor Relations Board (NLRB) either at one of its Regional offices or at the following address: National Labor Relations Board, Division of Information, 1099 14th Street, NW., Washington, DC 20570.

To locate the nearest NLRB office, see NLRB's website at *www.nlrb.gov.*

The last sentence of the Notice, however, shall be omitted in notices posted in the plants or offices of carriers subject to the Railway Labor Act, as amended (45 U.S.C. 152 *et seq.*).

Regulatory Procedures

Executive Order 12866

The Department of Labor has determined that this notice is not a ''significant regulatory action'' under Executive Order 12866 because this action 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. Therefore, a regulatory impact analysis is unnecessary.

Congressional Review Act

This notice is not a major rule for purposes of the Congressional Review Act.

Unfunded Mandates

Executive Order 12875—This notice does not create an unfunded Federal Mandate upon any State, local, or tribal government.

Unfunded Mandate Reform Act of 1995—This notice does not include any Federal mandate that may result in increased expenditures by State, local and tribal governments in the aggregate of $100 million or more, or increased expenditures by the private sector of $100 million or more.

Executive Order 13132

This notice has been reviewed in accordance with Executive Order 13132 regarding Federalism. This notice will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the requirements of section 6 of Executive Order 13132 do not apply to this notice.

Regulatory Flexibility Act

This notice does not substantially change the existing obligations of Federal contractors or subcontractors. The Department of Labor certifies that the notice will not have a significant economic impact on a substantial number of small business entities. Therefore, no regulatory flexibility analysis is required.

Signed at Washington, DC this 13th day of April, 2001.

Joe N. Kennedy,

Acting Assistant Secretary of Labor for Employment Standards.

[FR Doc. 01–9676 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of availability of funds and request for grant applications.

SUMMARY: The Occupational Safety and Health Administration (OSHA) awards funds to nonprofit organizations to conduct safety and health training and education in the workplace. This notice announces grant availability for training in safety and health programs in construction; in ergonomics; in bloodborne pathogens; in electrical power generation, transmission and distribution; and for hard-to-reach workers. The notice describes the scope of the grant program and provides information about how to get detailed grant application instructions. Applications should not be submitted without the applicant first obtaining the detailed grant application instructions mentioned later in the notice.

Separate grant applications must be submitted by organizations interested in applying for more than one grant topic.

The Occupational Safety and Health Act of 1970 and the Consolidated Appropriations Act authorizes this program.

DATES: Applications must be received by June 15, 2001.

ADDRESSES: Submit grant applications to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Deputy Director, Office of Training and Education, or Cynthia Bencheck, Program Analyst, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (847) 297–4810 (this is not a toll-free number), e-mail cindy.bencheck@osha.gov.

SUPPLEMENTARY INFORMATION:

What is the Purpose of the Susan Harwood Training Grant Program?

OSHA's Strategic Plan contains strategic goals to improve workplace safety and health for all workers, change the workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health, and to secure public confidence through excellence in the development and delivery of OSHA's programs and services. OSHA's intent is to reduce the number of worker injuries, illnesses and fatalities by focusing nationwide attention and Agency resources on the most prevalent types of workplace injuries and illnesses, the most hazardous industries, and the most hazardous workplaces. The Susan Harwood Training Grants Program is one of the mechanisms OSHA is using to achieve its strategic goals.

Information about OSHA's Strategic Plan is available on OSHA's web site at *www.osha.gov* in the About OSHA category.

Susan Harwood Training Grants provide funds to train workers and employers to recognize, avoid, and prevent safety and health hazards in their workplaces. The program emphasizes three areas.

- Educating workers and employers in small businesses. A small business has 250 or fewer workers.
- Training workers and employers about new OSHA standards.
- Training workers and employers about high risk activities or hazards identified by OSHA through its Strategic Plan, or as part of an OSHA special emphasis program.

Grantees are expected to provide occupational safety and health services and training, develop safety and health training and/or educational programs,

recruit workers and employers for the training, and conduct the training. Grantees are also expected to follow up with people trained by their program to determine what, if any, changes were made to reduce hazards in their workplaces as a result of the training.

What are the Training Topics this Year?

The five training topics were chosen based on injuries and illnesses in selected industries identified in the OSHA Strategic Plan, and to target workers employed in jobs with high risk activities or hazards or who are affected by new/revised OSHA standards. Applicants wishing to apply for more than one grant topic area must submit a separate grant application for each topic. Each grant application must address one of the following areas.

1. *Construction, including residential construction.* Applicants may address one or more of the following topics.

a. Recognition and avoidance of safety and health hazards in highway construction with emphasis on work zone safety issues, such as preventing fatalities caused by being struck by vehicles and equipment or by contact with overhead power lines. (Standard Industrial Classification (SIC)16.)

b. Recognition and avoidance of safety and health hazards in steel erection construction activities, especially fall protection. (Standard Industrial Classification (SIC)15.)

c. Recognition and avoidance of safety and health hazards involved in communication tower erection construction activities. (Standard Industrial Classification (SIC) 1623.)

d. Recognition and avoidance of safety and health hazards involved in roofing activities, both commercial and residential, especially fall protection. (Standard Industrial Classification (SIC) 1761.)

2. *Blood Borne Pathogens.* Programs that train workers and employers in the recognition and prevention of safety and health hazards in health services facilities involving the handling of human blood. (Standard Industrial Classification (SIC)80.)

3. *Ergonomics.* Programs that train workers and employers in the recognition and prevention of ergonomic hazards following best practices for the workers in one of the following industries.

- Construction industry:

—Masonry, stonework, tile setting and plastering. (Standard Industrial Classification (SIC) 174.)

—General Building Contractors—residential buildings. (Standard Industrial Classification (SIC) 152.)

—Carpentry and floor work. (Standard Industrial Classification (SIC) 175.)

- Primary metals. (Standard Industrial Classification (SIC) 33.)
- Warehousing. (Standard Industrial Classification (SIC) 42.)
- Air transportation. (Standard Industrial Classification (SIC) 45.)

4. *Electrical Power Generation, Transmission and Distribution.* Programs that address safety and health hazards for workers from the following industries.

- Construction industry. (Standard Industrial Classification (SIC) 15.)
- Line workers and maintenance workers. (Standard Industrial Classification (SIC) 17.)

5. *Training programs on safety and health issues for hard-to-reach workers.* Programs that will provide safety and health hazard information, training, and outreach for hard-to-reach workers such as non-English speaking workers, immigrants, migrants, and illiterate workers working in one of the following industries.

- Residential construction. (Standard Industrial Classification (SIC) 15.)
- Highway construction. (Standard Industrial Classification (SIC) 16.)
- Food processing industry, red meat and/or poultry processing. (Standard Industrial Classification (SIC) 20.)
- Landscaping and tree trimming. (Standard Industrial Classification (SIC) 0783.)

Nonprofit community-based organizations and other nonprofit organizations with established links and experience providing services to clients OSHA has designated as hard-to-reach workers are invited to apply.

Who is Eligible to Apply for a Grant?

Any nonprofit organization is eligible to apply. State or local government supported institutions of higher education are eligible to apply in accordance with 29 CFR 97.4(a)(1).

Applicants other than State or local government supported institutions of higher education will be required to submit evidence of nonprofit status, preferably from the Internal Revenue Service (IRS).

What Can Grant Funds Be Spent on?

Grant funds can be spent on the following:

- Conducting training.
- Conducting other activities that reach and inform workers and employers about occupational safety and health hazards and hazard abatement.
- Developing educational materials for use in the training.

Are There Restrictions on How Grant Funds Can Be Spent?

OSHA will not provide funding for the following activities.

1. Any activity that is inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.

2. Training involving workplaces that are not covered by the Occupational Safety and Health Act. Examples include State and local government workers in non-State Plan States and workers covered by section 4(b)(1) of the Act.

3. Production, publication, reproduction or use of training and educational materials, including newsletters and instructional programs, that have not been reviewed by OSHA for technical accuracy.

4. Activities that address issues other than recognition, avoidance, and prevention of unsafe or unhealthy working conditions. Examples include workers' compensation, first aid, and publication of materials prejudicial to labor or management.

5. Activities that provide assistance to workers in arbitration cases or other actions against employers, or that provide assistance to employers and workers in the prosecution of claims against Federal, State or local governments.

6. Activities that directly duplicate services offered by OSHA, a State under an OSHA-approved State Plan, or consultation programs provided by State designated agencies under section 21(d) of the Occupational Safety and Health Act.

What Other Grant Requirements Are There?

1. *OSHA review of educational materials.* OSHA will review all educational materials produced by the grantee for technical accuracy during development and before final publication. OSHA will also review training curricula and purchased training materials for accuracy before they are used.

When grant recipients produce training materials, they must provide copies of completed materials to OSHA before the end of the grant period. OSHA has a lending program that circulates grant-produced audiovisual materials. Audiovisual materials produced by the grantee as a part of its grant program will be included in this lending program. In addition, all materials produced by grantees must be provided to OSHA in a digital format for possible publication on the Internet by OSHA.

2. *OMB and regulatory requirements.* Grantees are required to comply with the following documents.

• 29 CFR part 95, which covers grant requirements for nonprofit organizations, including universities and hospitals. These are the Department of Labor regulations implementing OMB Circular A–110.

• OMB Circular A–21, which describes allowable and unallowable costs for educational institutions.

• OMB Circular A–122, which describes allowable and unallowable costs for other nonprofit organizations.

• OMB Circular A–133, 29 CFR part 96 and 99, which provides information about audit requirements.

3. *Certifications.* All applicants are required to certify to a drug-free workplace in accordance with 29 CFR part 98, to comply with the New Restrictions on Lobbying published at 29 CFR part 93, to make a certification regarding the debarment rules at 29 CFR part 98, and to complete a special lobbying certification.

4. *Students.* The training program must serve multiple employers. OSHA is interested in reaching more than one employer with each grant awarded.

5. *Other.* In compliance with the President's Executive Orders 12876, 12900, 12928, and 13021, the grantee is strongly encouraged to provide subgranting opportunities to Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities.

6. The restrictions on expenditures of federal funds in appropriations acts, P.L. 106–554, to the extent those restrictions are pertinent to the award.

7. *Acknowledgment of Federal Funds.* When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in the Act, (P.L. 106–554), including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) The percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

How Are Applications Reviewed and Rated?

OSHA staff will review grant applications and present the results to the Assistant Secretary who will make the selection of organizations to be awarded grants.

OSHA will give preference to applications that:

• Address multiple safety and health subjects. For example, an application for the construction target that stresses fall protection issues as well as other safety and health issues that affect construction workers involved in roofing would be preferred over one that only addresses fall protection issues.

• Train managers and/or supervisors in addition to workers.

The following factors will be considered in evaluating grant applications.

1. Program Design

a. The proposed training and education program addresses one of the five selected training topics. Please refer back to the ''What Are the Training Topics this Year?'' section for details on the training topics and appropriate Standard Industrial Codes.

i. Safety and health hazards in construction. Applicants may address one of the following topics.

• Highway construction with emphasis on work zone safety issues.

• Steel erection construction with emphasis on fall protection.

• Communication tower erection construction with emphasis on fall protection.

• Roofing, both non-residential and residential with emphasis on fall protection.

ii. Bloodborne pathogens hazards in health services facilities.

iii. Ergonomic hazards utilizing best practices for one of the following industries.

• Construction.
• Primary Metals.
• Warehousing.
• Air Transportation.
• Health Services.

iv. Electrical power generation, transmission and distribution safety and health hazards for one of the following.

• Workers involved in the new construction, renovation, or upgrading of power distribution and transmission systems.

• Workers employed as line workers and maintenance workers involved in the maintenance, repair, and servicing of power distribution and transmission systems.

v. Safety and health hazard information, training, and outreach for hard-to-reach workers working in residential construction, food processing, highway construction, and landscaping and tree trimming.

b. The proposal plans to train workers and/or employers and clearly estimates the numbers to be trained, and clearly identifies the types of workers and employers to be trained.

c. If the proposal contains a train-the-trainer program, the following information must be provided:

—What ongoing support the grantee will provide to new trainers;
—The outline of the course curriculum that will be used by the new trainers to teach their students;
—The estimated number of the courses to be conducted by the new trainers;
—The estimated number of students to be trained by these new trainers; and
—A description of how the new trainers will report back to the grantee about their classes and student numbers.

d. The planned activities and training are tailored to the needs and levels of the workers and employers to be trained.

e. There is a plan to recruit trainees for the program.

f. If the proposal includes developing educational materials, there is a plan for OSHA to review the materials during development.

g. There is a plan to evaluate the program's effectiveness and impact to determine if the safety and health services provided resulted in workplace change. This includes a description of the evaluation plan to follow up with trainees to determine the impact the program has had in abating hazards and reducing worker injuries.

h. There is a description of the target population, the hazards that will be addressed, the barriers that have prevented adequate training for the target population, why the program cannot be completed without Federal funds, and why funding sources currently available cannot be used for this purpose.

2. Program Experience

a. The organization applying for the grant demonstrates experience with occupational safety and health.

b. The organization applying for the grant demonstrates experience training adults in work-related subjects and/or in providing services to its target audience.

c. The staff to be assigned to the project has experience in occupational safety and health, the specific topic chosen, and training adults.

d. The organization applying for the grant demonstrates experience in recruiting, training, and working with the population it proposes to serve under the grant.

3. Administrative Capability

a. The applicant organization demonstrates experience managing a variety of programs.

b. The applicant organization has administered, or will work with an organization that has administered, a number of different Federal and/or State grants over the past five years.

c. The application is complete, including forms, budget detail, narrative and workplan, and required attachments.

4. Budget

a. The budgeted costs are reasonable.

b. The budget complies with Federal cost principles (which can be found in applicable OMB Circulars) and with OSHA budget requirements contained in the grant application instructions.

c. The cost per trainee is less than $500 and the cost per training hour is reasonable.

In addition to the factors listed above, the Assistant Secretary will take other items into consideration, such as the geographical distribution of the grant programs and the coverage of populations at risk.

How Much Money is Available for Grants?

There is approximately $5 million available for this program. The Federal award will average $150,000—$200,000.

How Long Are Grants Awarded for?

Grants are awarded for a twelve-month period. If first year performance is satisfactory and funds are available, grants will be renewed for an additional twelve-month period.

How Do I Get a Grant Application Package?

Grant application instructions may be obtained from the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018. The application instructions are also available at *http://www.osha-slc.gov/Training/sharwood/sharwood.html.*

When and Where Are Applications To Be Sent?

The application deadline is 4:30 p.m. central time, Friday, June 15, 2001.

Applications are to be sent to the Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, IL 60018. Applications may be sent by fax to (847) 297–6636. (This is not a toll-free number.)

How Will I Be Told if My Application Was Selected?

Organizations selected as grant recipients will be notified by a representative of the Assistant Secretary, usually from an OSHA Regional Office. An applicant whose proposal is not selected will be notified in writing.

Notice that an organization has been selected as a grant recipient does not constitute approval of the grant application as submitted. Before the actual grant award, OSHA will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this 11th day of April, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–9520 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Withdrawal of request for grant applications.

SUMMARY: Under the Susan Harwood Training Grant Program, OSHA makes two types of grants to non-profit institutions. Institutional Competency Building grants, under which the solicitation for proposals was published on August 17, 2000, at 65 FR 50220–50223, are intended to encourage the development of institutional competence in occupational safety and health issues among private, nonprofit institutions over a 3–5 year period. OSHA has also made Targeted Training grants available to nonprofit institutions to develop training sources and materials relating to specific occupational safety or health topics. Targeted Training grants typically have been one-time grants intended to fund the development of a specific training-related resource or service. OSHA is currently reassessing its priorities between these two types of grants and is considering which of these types of grants will produce the more direct and immediate impact on worker safety, and will be sustainable by OSHA in light of the funding likely to be available for longer-term grants. Accordingly, OSHA is withdrawing the August 17, 2000 solicitation for proposals under the Susan Harwood Training Grant Program, and intends to issue a new solicitation for grant proposals by nonprofit institutions in the near future.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Deputy Director, Office of Training and Education, or Cynthia Bencheck, Program Analyst, OSHA Office of Training and Education, 1555 Time Drive, Des Plaines, Illinois 60018, telephone (847) 297–4810 (this is not a toll-free number), e-mail cindy.bencheck@osha.gov.

Signed at Washington, DC, this 12th day of April, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–9521 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Planning for Retirement; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Thursday, May 3, 2001, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study planning for retirement.

The session will take place in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210. The purpose of the open meeting, which will run from 1:00 p.m. to approximately 4:30 p.m., is for working group members to hear testimony on ways in which individuals can be encouraged to better plan for retirement.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 27, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon

Morrissey by April 27, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 27.

Signed at Washington, D.C. this 12th day of April 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–9614 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Increasing Pension Coverage, Participation and Savings Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of increasing pension coverage, participation and savings will hold an open public meeting on Thursday, May 3, 2001, in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to hear testimony from invited witnesses and engage in discussion concerning the factors which either encourage or inhibit the growth of pension plan coverage and, ultimately, retirement security.

Members of the public are encouraged to file a written statement pertaining to the topic by sending 20 copies on or before April 27, 20.1, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 27, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 27.

Signed at Washington, DC this 12th day of April 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–9615 Filed 4–17–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Challenges to the Employment-Based Healthcare System; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Friday, May 4, 2001, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study challenges to the employment-based healthcare system.

The session will take place in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 9:30 a.m. to approximately 4 p.m. with a one-hour lunch break at noon, is for working group members to hear invited academic witnesses discuss either the advantages or the disadvantages of the current employment-based health care system as well as potential alternatives to providing access to health insurance via the employer. The working group also will schedule benefit consultants to discuss the issue.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 27, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 27, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 27.

Signed at Washington, DC this 12th day of April 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–9616 Filed 4–17–01; 8:45 am]

BILLING CODE 4570–29–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–045]

NASA Advisory Council (NAC), Earth Systems Science and Applications Advisory Committee; 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 meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: Tuesday, May 22, 2001, 8:30 a.m. to 5:30 p.m.; and Wednesday, May 23, 2001, 8:30 a.m. to 5:30 p.m.

ADDRESSES: NASA Headquarters, 300 E Street SW, Room MIC–5A, Washington, DC, 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1876.

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:

—Introduction/Comments
—State-of-the-Enterprise
—Data & Information Sub-Committee report

—Technology Sub-Committee report
—Plan for periodic Research Strategy updating
—Budget Perspectives
—Earth Science Enterprise (ESE) Budget Status
—OMB Perspective
—Update on Government Performance Requirement Act (GPRA) Performance Metrics
—NASA/NOAA Joint Center for Satellite Data Assimilation
—Summary of First Day
—Applications Strategic and Planning Update
—Overview of Commercial Science Data Purchase
—ESE Science Theme Overview: Oceans and Ice
—General Discussion/Closing Remarks and adjournment
—Committee Writing Session

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 12, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–9571 Filed 4–17–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–046]

NASA Advisory Council (NAC), Earth Systems Science and Applications Advisory Committee (ESSAAC), Earth Science Data and Information Systems and Services Advisory Subcommittee (ESDISSAS); 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 meeting of the NASA Advisory Council, Earth System Science and Applications Advisory Committee, Earth Science Data and Information Systems and Services Advisory Subcommittee.

DATES: Thursday, May 10, 2001, 8:30 a.m. to 5:30 p.m.; and Friday, May 11, 2001, 8:30 a.m. to 4:00 p.m.

ADDRESSES: NASA Headquarters, 300 E Street SW., Room MIC 5A, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Martha Maiden, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1078.

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:

—Opening Remarks
—NASA Welcome
—Earth Observing System Data and Information System (EOSDIS): Processes for Management for EOSDIS Evolution
—New Data and Information Systems and Services (NewDISS) Concept Document Recommendations
—New DISS Formulation Progress
—Data Centers of the Distribution Active Archive Center (DAAC) Alliance
—Federation Report
—Points for Comment, Recommendations from Day One
—High End Computing for Earth Science Modeling
—ESDISSAS Recommendations, Wrap-up

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 12, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–9572 Filed 4–17–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–044)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Kelly Manufacturing Company has applied for an exclusive license to practice the invention described in NASA Case No. KSC–12,168–1, entitled ''Personal Cabin Pressure Monitor and Warning System,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Patent Counsel, Assistant Chief Counsel, NASA, Mail Code CC–A, Office of the Chief Counsel, John F. Kennedy Space Center, Kennedy Space Center, FL 32899.

DATES: Responses to this notice must be received by June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Patent Counsel/Assistant Chief Counsel, NASA, Office of the Chief Counsel, John F. Kennedy Space Center, Mail Code CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: April 11, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–9570 Filed 4–17–01; 8:45 am]

BILLING CODE 7510–01–U

NUCLEAR REGULATORY COMMISSION

Notice of Acceptance for Docketing of the Application, and Notice of Opportunity for a Hearing, on an Application for Authority To Construct a Mixed Oxide Fuel Fabrication Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Acceptance of Application for Docketing, and Notice of Opportunity for a Hearing.

SUMMARY: This notice announces that the NRC has accepted for docketing from Duke Cogema Stone & Webster (DCS) an application for authority to construct a mixed oxide (MOX) fuel fabrication facility. The NRC has accepted the construction authorization request (CAR) for docketing, and, accordingly, is providing this notice of opportunity for hearing on the DCS application.

DATES: By May 18, 2001, any person who wishes to participate as a party in an NRC hearing pertaining to the CAR must file a written request for hearing.

ADDRESSES: Pursuant to 10 CFR 2.1203(a) and (e), any request for a hearing must be served on the Secretary of the Commission in accordance with the procedures in 10 CFR 2.712, as follows: (1) By delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays; or (2) by mail, telegram, or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Pursuant to 10 CFR 2.1205(f), written hearing requests must also be delivered, by hand or by mail, to the Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by the above date. A copy of the hearing request must also be sent to Donald J. Silverman, Esq., Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869, attorney for DCS. Nontimely requests for hearing will not be entertained absent a determination by the NRC, the presiding officer, or the Chairman of the Atomic Safety and Licensing Board Panel, that the request for hearing should be granted based upon a balancing of the factors specified in 10 CFR 2.1205(l).

FOR FURTHER INFORMATION CONTACT: Andrew Persinko, MOX Project Manager, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–6522, or Tim Johnson, Backup Project Manager, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7299. Fax number: (301) 415–5390.

SUPPLEMENTARY INFORMATION: On February 28, 2001, Duke Cogema Stone & Webster (DCS) submitted to the United States Nuclear Regulatory Commission (NRC) an application for authority to construct a mixed oxide (MOX) fuel fabrication facility, to be located at the United States Department of Energy's Savannah River Site in South Carolina. A notice reflecting the NRC's receipt of the construction authorization request (CAR), and the related environmental report submitted by DCS in December, 2000, was published in the **Federal Register** on March 7, 2001; 66 FR 13794, Duke Cogema Stone & Webster; Notice of Intent To Prepare an Environmental Impact Statement for the Mixed Oxide Fuel Fabrication Facility. Additionally, by letter dated January 29, 2001, DCS submitted to the NRC a quality assurance plan regarding the proposed MOX fuel fabrication facility. The CAR (non-proprietary version), the January 2001 quality assurance plan, and the December 2000 environmental report submitted by DCS are available for review and copying using any of the following methods: (1) enter the NRC's MOX website at http://www.nrc.gov/NRC/NMSS/MOX/index.html; (2) enter the NRC's Agency wide Document Access and Management System (ADAMS) at http://www.nrc.gov/NRC/ADAMS/index.html, where the accession numbers for the documents are ML010650204 (for the CAR); ML010450042 and ML010450055 (for the quality assurance plan); and ML003780152 (for the environmental report); or (3) contact the NRC's Public Document Room (PDR) by calling (800) 397–4209, faxing a request to (301) 415–3548, or sending a request by electronic mail to *pdr@nrc.gov.* Hard copies of the documents are available from the PDR for a fee. Additionally, with respect to the CAR only, non-proprietary copies are available from the PDR in CD–ROM format (a two CD set). Hard copies (of the non-proprietary version) of the CAR are in the process of being placed in public libraries located in: Aiken, SC; Columbia, SC; North Augusta, SC; Charlotte, NC; Raleigh, NC; Augusta, GA; Atlanta, GA; and Savannah, GA.

The NRC is conducting a detailed review of the CAR, the December 2000 environmental report, and the January 2001 quality assurance plan. The results of the NRC's review of these DCS filings will be documented in a safety evaluation report and an environmental impact statement. As stated in the March 7, 2001, **Federal Register** notice, in the summer of 2002 DCS plans to submit a request for authority to operate the MOX facility and that request would be the subject of a separate notice of opportunity for hearing.

The NRC has now accepted the CAR for docketing, and, accordingly, is providing this notice of opportunity for hearing on the DCS application for authority to construct a MOX fuel fabrication facility. In order to approve the CAR, the NRC must find that the design bases of the proposed MOX fuel fabrication facility's principal structures, systems, and components, together with the DCS quality assurance plan, ''provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents.'' 10 CFR 70.23(b). Additionally, to meet the NRC's responsibilities under the National Environmental Policy Act (NEPA), the NRC's environmental review of the proposed licensing action must determine whether ''the action called for is the issuance of the proposed license.'' 10 CFR 70.23(a)(7). If the necessary findings are made and the CAR is approved, construction of the MOX fuel fabrication facility could then begin. In order to authorize operation of a MOX fuel fabrication facility (*i.e.*, by granting a 10 CFR part 70 license), the NRC must find that construction of the facility has been properly completed (*see* 10 CFR 70.23(a)(8)), and that all other applicable 10 CFR part 70 requirements have been met.

Since consideration of the CAR is a necessary first step in a process potentially leading to the issuance of a 10 CFR part 70 materials license, the informal hearing procedures contained in 10 CFR part 2, Subpart L are generally applicable. *See* 10 CFR 2.1201(a)(1). Accordingly, in considering requests for hearing filed pursuant to this notice, and in conducting any adjudicatory hearing on the CAR, the Subpart L hearing procedures will govern except as specified below. To enhance the effectiveness of the adjudicatory process, additional procedures, including the option for oral questioning of expert witnesses by the presiding officer as necessary to supplement the record, will be used in this proceeding, as described below.

As stated above, any person who wishes to participate as a party in an NRC hearing pertaining to the CAR must file a written request for a hearing. Requests for a hearing shall be filed in accordance with the NRC's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2, Subpart L (''Informal Hearing Procedures''). Pursuant to 10 CFR 2.1203(a) and (e), any request for a hearing must be served on the Secretary of the Commission in accordance with the procedures in 10 CFR 2.712, as follows: (1) by delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays; or (2) by mail, telegram, or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Pursuant to 10 CFR 2.1205(f), written hearing requests must also be delivered, by hand or by mail, to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by the above date. A copy of the hearing request must also be sent to Donald J. Silverman, Esq., Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, DC 20036–5869, attorney for DCS. Nontimely requests for hearing will not be entertained absent a determination by the NRC, the presiding officer, or the Chairman of the Atomic Safety and Licensing Board Panel, that the request for hearing should be granted based upon a balancing of the factors specified in 10 CFR 2.1205(l).

Interested persons should consult a current copy of 10 CFR 2.1205, which is available at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD (or call the PDR at (800) 397–4209 or (301) 415–4737). NRC regulations are also accessible electronically from the NRC's Electronic Reading Room on the NRC Web site, http://www.nrc.gov. If a request for hearing is filed by the above

date, the NRC, or a presiding officer designated by the NRC or by the Chairman of the Atomic Safety and Licensing Board Panel, which may include a single administrative judge with or without technical assistants or a three-judge panel, will rule on the request; and the designated presiding officer will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.1205, a hearing request shall set forth with particularity the interest of the requestor in the proceeding, and how that interest may be affected by the results of the proceeding. Here, as an initial matter, any person requesting a hearing on the CAR will have to establish in their request for hearing that their interests could be affected if the CAR is approved, and the MOX fuel fabrication facility is built at the proposed site in South Carolina. This requirement to establish standing is applicable in any NRC adjudicatory proceeding. Those requesting a hearing on the CAR should refer to the provisions stated in 10 CFR 2.1205(e) and 2.1205(h) for further information regarding the requirements to establish standing. Before ruling on other matters, the presiding officer will determine whether petitioners have established standing. Additional information pertaining to any NRC hearing which may be held regarding the DCS request for construction authority is provided below.

A. Contentions

Any petitioner who establishes standing to participate would also be required to submit contentions, which the presiding officer would evaluate using the standards set forth in 10 CFR 2.714(b)(2). The Subpart L requirements pertaining to areas of concern (*see, e.g.,* 10 CFR 2.1205(e)(3); and 2.1205(h)) will *not* be applicable.

Petitioners will be required to submit contentions within 50 days of the date a presiding officer is appointed, and will have the burden of showing that the contentions are admissible. In this regard, contentions are expected to focus on the CAR, the December 2000 environmental report, and/or the January 2001 quality assurance plan submitted by DCS. Petitioners will not be permitted to wait for the NRC staff to issue its safety evaluation report or environmental impact statement before formulating contentions. As indicated above, the CAR available for public review is the non-proprietary version, and does not include information pertaining to safeguards, and other financial and commercial information considered proprietary. Access to the proprietary version of the CAR, for purposes of submitting any contentions based on withheld information, will be subject to later determination by the presiding officer, after rulings on standing are made.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with DCS on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the DCS application for authority to construct a MOX fuel fabrication facility. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file at least one contention which satisfies these requirements will not be permitted to participate as a party.

B. Discovery

In the event one or more contentions are admitted, limited discovery (by deposition, interrogatory, or both) from non-NRC sources pertaining to admitted contentions will be permitted. Such discovery would be governed by 10 CFR 2.740a(a)–(i), and 2.740b. Discovery regarding documents should not be necessary, given the inclusiveness of the hearing file requirements of 10 CFR 2.1231(b–c). In ruling on any discovery matters, the presiding officer would use the standards of 10 CFR 2.740. Thus, the provisions of 10 CFR 2.1231(d) prohibiting any discovery in 10 CFR part 2, Subpart L proceedings, will not be applicable. Formal discovery against the Staff, pursuant to 10 CFR 2.720(h) and 2.740, will be suspended until after issuance of the required final Safety Evaluation Report (SER) and the Final Environmental Impact Statement (EIS).

[1] "[A]t the contention filing stage[,] the factual support necessary to show that a genuine dispute exists need not be in affidavit or formal evidentiary form and need not be of the quality necessary to withstand a summary disposition motion." Statement of Policy on Conduct of Adjudicatory Proceedings, CLI–98–12, 48 NRC 18, 22 n.1 (1998) (citing Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process, Final Rule, 54 Fed. Reg. 33,168, 33,171 (August 11, 1989).

C. Written and Oral Presentations

Following discovery on any admitted contentions, and after the final SER and EIS are issued, the parties would simultaneously submit their written presentations, pursuant to 10 CFR 2.1233. Any expert testimony on which a party relies would have to be included as part of the written presentation. The parties would then file simultaneous responses to the written presentations. In submitting written presentations, or responses to written presentations, any party wishing to present expert testimony will be required to do so by affidavit, using a question and answer format in the form of a direct examination. Any party presenting such testimony would be required to make the expert available, in person, for questioning by the presiding officer, as determined necessary by the presiding officer. It is anticipated that the presiding officer may conduct oral presentations to supplement the written hearing record previously developed. The parties will be able to submit to the presiding officer proposed questions to be addressed to the expert witnesses by the presiding officer at the oral presentations.

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01–9619 Filed 4–17–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company; Notice of Consideration of Issuance and Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. NPF–10 and NPF–15 issued to the Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, respectively, located in San Diego County, California.

The proposed amendment would change the operating license and Technical Specifications for SONGS Units 2 and 3 to reflect an increase in the licensed core power level to 3438 megawatts (thermal), 1.42% greater than the current level.

Before issuance of the proposed license amendment, the Commission

will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 18, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in a proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 3, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

L. Raghavan,

Senior Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–9620 Filed 4–17–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–36]

Southern Nuclear Operating Company Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.48 to Southern Nuclear Operating Company (SNC). The requested exemption would allow SNC to implement the amended 10 CFR 72.48 requirements on June 1, 2001, for the Independent Spent Fuel Storage Installation (ISFSI) at the Edwin I. Hatch Nuclear Plant (HNP) in Appling County, Georgia.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated February 9, 2001, SNC requested a scheduler exemption from the implementation date of April 5, 2001, for the revised 10 CFR 72.48. SNC plans to implement its revised 10 CFR 50.59 and 10 CFR 72.48 programs simultaneously. The planned date for

implementing the revised 10 CFR 50.59 requirements is June 1, 2001.

Need for Proposed Action: The applicant wants the implementation date of 10 CFR 50.59 and 10 CFR 72.48 to coincide. The applicant stated in the February 9, 2001, submittal that administering separate programs for less than a two month period to satisfy the current 10 CFR 72.48 schedule could become burdensome and create confusion.

Environmental Impacts of the Proposed Action: There are no significant environmental impacts associated with the proposed action. The new revision of 10 CFR 72.48 is considered less restrictive than the current requirements, with the exception of the additional reporting requirements. Continued implementation of the existing 10 CFR 72.48 until June 1, 2001, is acceptable to the NRC as stated in Regulatory Issues Summary 2001–03 which states that it is the NRC's view that both the old rule and the new rule provide an acceptable level of safety. Extending the current requirements until June 1, 2001, has no significant impact on the environment.

Alternative to the Proposed Action: Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the scheduler exemption and, therefore, not allow SNC to implement the revised 10 CFR 72.48 requirements on the desired date, June 1, 2001. However, the environmental impacts of the proposed action and the alternative would be the same.

Agencies and Persons Consulted: On March 9, 2001, Georgia state official, Mr. James Hardeman, Environmental Radiation Program Manager, Georgia Department of Natural Resources, Environmental Protection Division, was contacted regarding the environmental assessment for the proposed action and had no comment.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.48, so that SNC may implement the amended requirements on June 1, 2001, will not significantly impact the quality of human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed action is not necessary.

The request for exemption was docketed under 10 CFR part 72, Docket 72–36. For further details with respect to this action, see the exemption request dated February 9, 2001, which is available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852, or from the publicly available records component of NRC's agencywide documents access and management system (ADAMS).

ADAMS is accessible from the NRC web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 5th day of April 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–9621 Filed 4–17–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 26 through April 6, 2001. The last biweekly notice was published on April 4, 2001 (66 FR 17962).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public

Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By May 18, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: March 1, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specification (TS) on page 4.5–3 to change the frequency of closure time testing of the main steam isolation valves (MSIVs). If approved, these tests would no longer occur during power operation. They would be conducted during each cold shutdown unless this test has been performed within the last 92 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendment does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change revises Technical Specification 4.5.F.3 to require MSIV full-stroke testing during each cold shutdown rather than quarterly at power. Since this change only affects the frequency of testing

the isolation time of MSIVs, it does not impact the occurrence of accidents that the MSIVs are designed to mitigate. The 10% closure test that will be performed quarterly in order to test the MSIV closure scram instrumentation has some potential of causing an inadvertent closure of the MSIV. The current test of MSIV closure scram instrumentation is conducted with the quarterly full closure test and is performed at reduced power. The closure of an MSIV at the reduced power level does not result in a plant trip. Inadvertent closure of MSIVs is a transient of moderate frequency evaluated in the updated FSAR [final safety analysis report]. The small increase in potential for an MSIV full closure transient during the part-stroke test is offset by the decrease in potential transients due to the plant power manipulation necessary to perform the full closure test.

The proposed change affects the frequency of testing the MSIVs to ensure an acceptable level of reliability. Aligning the Oyster Creek test frequency for MSIVs with the ASME Code [American Society of Mechanical Engineers Boiler and Pressure Vessel Code] and industry practice assures adequate reliability for valve closure. Therefore, the MSIVs will be capable of closing to mitigate accidents.

As a result of the discussion above, the change to the frequency of MSIV full closure testing does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

There is no physical change in plant configuration associated with performing the MSIV full or partial closure tests. The MSIV closure scram is designed to anticipate the transient caused by valve closure with the plant in operation. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed change affects the method of assuring the reliability of the MSIVs. The change from a quarterly full-stroke closure test at power to full-stroke tests during cold shutdowns combined with quarterly part-stroke tests to ensure instrument function provides adequate means of assuring MSIV operability. The reliability of MSIVs to close within the required 3–10 seconds has been consistently demonstrated and it is expected that the valves will continue to pass this test when done on a cold shutdown basis. The quarterly 10% closure reactor protection system testing will assure that the valves will respond to a closure signal.

Presently, the MSIVs are full-stroke closed quarterly at power in accordance with Technical Specification 4.5.F.3. The basis for the current quarterly full closure test at power and the proposed full closure test during cold shutdowns with part-stroking quarterly during instrument surveillance is consistent with the ASME Boiler and Pressure Vessel Code, Section XI. In addition, the proposed change is consistent with industry standard requirements contained in the Standard Technical Specifications, NUREG–1433, Revision 1. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Section Chief: Marsha Gamberoni.

Detroit Edison Company, Docket No. 50–16, Enrico Fermi Atomic Power Plant, Unit 1 (Fermi1), Monroe County, Michigan.

Date of amendment request: November 6, 2000, (Reference NRC–00–0084) and supplement by letter dated March 12, 2001, (Reference NRC–01–0026).

Description of amendment request: The proposed amendment will revise the Technical Specifications by: (1) deleting Specification A.1, the definition of Physical Barrier; (2) deleting Specification A.2, the definition of Protected Area; (3) deleting Specification A.4, the definition of Authorized Person; (4) Specification A.7.a, change the words ''Protected Area'' to ''facility''; (5) Specification B.1, delete the discussion on method for controlling facility access and add words noting that the method for controlling access to the facility will be included in the Fermi 1 Safety Analysis Report; (6) deleting Specification C.1, Reactor Building Access which specifies access limitations to this building; (7) Specification C.2, change the words ''Protected Area'' to ''facility''; (8) deleting Specification E.1, Fuel and Repair Building which specifies access limitation to this building; (9) Specification H.4.a, change the words ''Protected Area'' to ''facility''; (10) Specification H.4.b, change the words ''Protected Area'' to ''facility''; (11) Specification I.6, deleting specific dosimetry requirements and replacing with a requirement that dosimetry will meet the requirements of 10 CFR Part 20; (12) Specification I.9.i, change the words ''Protected Area'' to ''facility''; and (13) Revise Figure B–1 to remove reference to the Protected Area Boundary and indication of structures that may be physically removed during the decommissioning process. In addition to these specific changes, the licensee will repaginate the Technical Specification. The above-listed are to support moving the licensee's program for controlling access to the Fermi 1 facility from the Fermi 1 license to the Fermi 1 Safety Analysis Report. This action would provide flexibility for the performance of decommissioning activities while maintaining controls commensurate with the small quantity of licensed material at Fermi 1 and its status.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration using the standards in 10 CFR 50.92(c). The licensee's analysis is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident.

The changes to requirements regarding access to the facility and security do not affect the operation of any system. The requirements for having access control in the Fermi 1 Safety Analysis Report (F1SAR) will ensure people are aware when they are entering an area at Fermi 1 to which it is determined access should be controlled. The two analyzed accidents involved release of the activity in the liquid waste system and release of the activity in the residual sodium. These changes will not significantly increase the probability of these accidents since they do not affect operations of these systems. The possibility of an intruder entering the facility may slightly increase depending on the type of access controls implemented in the future which will be specified in the F1SAR. For example, if gates and doors are not closed and locked, but signs posted requiring permission for entry, the possibility of an unauthorized person entering the facility could increase. But, if such an intruder is intent on entering, he or she could do so under current access controls using common tools or equipment. The locks and barriers currently act as a reminder that the area is controlled. Future access control provisions will still provide that reminder.

Allowing the Protected Area to be different from the Restricted Area required by 10 CFR 20 will not increase the probability of an accident. The requirement for limiting access to a restricted area or areas will still be required by 10 CFR 20. This requirement is for personnel protection and is unrelated to accident probability.

Allowing the facility and the Protected Area required by 10 CFR Part 20 will not increase the probability of an accident. The requirement for limiting access to a restricted area or areas will still be required by 10 CFR Part 20. The requirement is for personnel protection and is unrelated to accident probability.

The change deleting the specific requirements for dosimetry will not affect the probability of an accident since they apply to monitoring of personnel not control or operation of the facility. The requirements for monitoring are in 10 CFR Part 20 and will be referenced in the Technical Specifications.

The radiological consequences of an accident will not be increased by the requested changes because the changes do not add radioactive material to the facility and the accidents analyses already assume release of all the activity in the primary sodium and liquid waste systems.

2. The proposed changes do not create the possibility of a new or different accident from any previously evaluated.

The requested changes do not change the method of operation of any system and so cannot create the possibility of a new or different accident. The analyzed accidents include release of all the radioactive material in the liquid waste system and release of all the radioactive material in the residual sodium remaining in the Protected Area which currently is the same as the licensed facility. Changing access, security, and boundary requirements cannot create a different type of accident.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes could slightly reduce the margin of safety, but only from the perspective of making it easier for an unauthorized individual to enter the facility or Protected Area. A determined unauthorized person could violate existing requirements or proposed requirements to gain entry. However, the Technical Specifications will still require access control requirements for portions of the facility. Access control requirements described in the F1SAR will ensure that personnel know the Fermi 1 Protected Area is a controlled access area and will prevent anyone from unknowingly entering the portions of the facility for which access control is determined appropriate per the F1SAR. There is a limited amount of radioactive material remaining at Fermi 1. The requirement for a restricted area or areas, as appropriate, will still apply per 10 CFR Part 20 and is for individual protection not security. The proposed security measures are commensurate with the amount of radioactive material present in that neither 10 CFR Part 30 or 10 CFR Part 70 established a security requirement for the amount of radioactive material at Fermi 1.

Removing some buildings from Figure B–1 will not reduce the margin of safety. The figure will still fulfill the purpose of showing the facility boundary. The figure will still serve that purpose even if a building, structure, or barrier is modified or removed, since the provisions allowing changes requires that the boundary continues to encompass the area to which access is controlled. The accident analyses do not credit any building as a containment or as retaining any radioactive material during a possible accident. For the above reasons, the requested changes do not involve a significant reduction in margin of safety of Fermi 1.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John Flynn, Esquire, Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Branch Chief: Larry W. Camper.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 24, 2001.

Description of amendment request: The amendment request proposes changes to the Technical Specifications (TSs) concerning certain operational conditions required when conducting core alterations or handling irradiated fuel in the primary containment. In addition, the licensee proposes to delete license condition 2.C.(17) and make certain editorial corrections.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The relaxation of TS OPERABILITY requirements for containment and control room ventilation systems during specific shutdown conditions do not affect the probability of any accident previously evaluated and do not alter current accident analyses consequences. During plant shutdown, these systems and structures are accident mitigating features for the postulated Fuel Handling Accident (FHA) and are not considered the initiator to any previously analyzed accident. They need not be required during CORE ALTERATIONS because the only accident postulated to result in significant fuel damage and radiation release during shutdown conditions is the FHA. The control room filtration, inlet radiation detection, and the air conditioning systems will continue to be required during the handling of any irradiated fuel assembly and during operations with the potential for draining the reactor vessel (OPDRVs). The containment will only be required during OPDRVs and when moving recently irradiated fuel assemblies. The current FHA analysis of record (approved by Amendment 110) assumes the containment is open after the irradiated fuel has undergone a sufficient decay period (i.e., has not been part of a critical reactor core within the previous 11 days). The analysis demonstrates that the offsite doses remain well within the Standard Review Plan Guidelines (less than 25% of the 10 CFR [Part] 100 limits) and the control room doses remain less than the criteria of 10 CFR [Part] 50, Appendix A, General Design Criterion 19.

The proposed changes regarding the removal of the SGT [Standby Gas Treatment] system from the ''Primary Coolant Sources Outside Containment'' leakage control program does not affect the reliability or filtration efficiency of the SGT system. Current TS surveillances test filtration efficiency and secondary containment in-leakage. There are no unfiltered pathways to the suction of the fans that require leakage testing.

Therefore, these changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve any design changes or any new modes of system operation. The proposed TS changes allow certain functions to be inoperable during CORE ALTERATIONS and during the handling of irradiated fuel that has undergone a sufficient radiation decay period. However, these out-of-service configurations are consistent with current design basis analyses. The removal of the SGT system from the ''Primary Coolant Sources Outside Containment'' leakage control program does not affect reliability or efficiency of the filtration system or otherwise affect the ability of the system to perform its safety function.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed changes do not reduce the margin of safety, as defined by SRP [Standard Review Plan] 15.7.4 Rev 1. The only accident postulated to occur during shutdown that results in significant fuel damage and subsequent radiation release is the FHA. The offsite and control room doses due to a FHA with an open containment have previously been evaluated with conservative assumptions and that analysis is not affected by the proposed changes. The analysis demonstrates that due to radioactive decay following reactor shutdown, the primary containment function is only required when handling recently irradiated fuel.

The removal of the SGT system from the ''Primary Coolant Sources Outside Containment'' leakage control program does not affect reliability or efficiency of the filtration system or otherwise affect the ability of the system to perform its safety function.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn,

1400 L Street, NW., Washington, DC 20005

NRC Section Chief: Robert A. Gramm.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2), Shippingport, Pennsylvania

Date of amendment request: December 27, 2000.

Description of amendment request: The amendment request proposes various changes to the BVPS–1 and 2 technical specifications (TSs) and removal of a BVPS–1 license condition. The proposed BVPS–1 and 2 TS changes include (1) the revision of reactor trip system and engineered safety features actuation system instrumentation trip setpoints and allowable values; (2) the utilization of the Revised Thermal Design Procedure to generate additional departure from nucleate boiling (DNB) margin which facilitates revisions to the core safety limits, DNB parameters and Overtemperature and Overpower ΔT trip setpoints; (3) the relocation of certain requirements from the TS to the core operating limit report; (4) the relocation of certain requirements from the TS to the Licensing Requirements Manual; and (5) miscellaneous changes that improve internal consistency of the BVPS TSs, simplify the presentation of requirements, provide clarifications, and improve consistency with the improved standard TSs. Changes to the TS Bases in support of the TS changes are also proposed. In addition, the deletion of BVPs-1 license condition regarding limitations on less than 3-loop operation is included in the amendment request.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. Revision to Setpoint and Allowable Values

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The RPS [reactor trip system] and ESFAS [engineered safety feature actuation system] trip functions are part of the accident mitigation response and are not themselves an initiator for any transient. Therefore, the probability of an accident previously evaluated is not significantly affected.

This proposed amendment includes changes to RTS and ESFAS trip setpoints and allowable values that have been determined with the use of an approved methodology. The new values ensure that all automatic protective actions will be initiated at or before the condition assumed in the safety analysis. This change, which includes modification of the applicable Bases section(s), will allow the nominal trip setpoints to be adjusted within the calibration tolerance band allowed by the setpoint methodology. Plant operation with these revised values will not cause any design or analysis acceptance criteria to be exceeded. The structural and functional integrity of plant systems is unaffected. There will be no adverse effect on the ability of the channels to perform their safety functions as assumed in the safety analyses. Since there will be no adverse effect on the trip setpoints or the instrumentation associated with the trip setpoints, there will be no significant increase in the consequences of any accident previously evaluated.

The proposed amendment does involve a hardware change. The hardware change involves the deletion of f(ΔI) (BVPS Unit No. 1) and f2 (ΔI) (BVPS Unit No. 2) for the Overpower ΔT Trip Setpoint. This function is not modeled in the safety analysis nor included in the setpoint methodology calculation. Defeating this function, rather than leaving it in the equation with a setting of zero, eliminates the possibility that it will adversely contribute to the Overpower ΔT Trip due to the limitations of the hardware and possible variations in the setpoint.

Other changes in trip system function, content and format are proposed based on the current configuration of the trip system hardware at BVPS Unit No. 1. Similarly, since the ability of the instrumentation to perform its safety function is not adversely affected, there will be no significant increase in the consequences of any accident previously evaluated.

The proposed editorial, administrative and format changes do not affect plant safety.

Therefore, this change does not involve any significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment includes changes to the format and magnitudes of nominal trip setpoints and allowable values that preserve all safety analysis assumptions related to accident mitigation. The protection system will continue to initiate the protective actions as assumed in the safety analysis. The proposed changes to Limiting Safety System Settings (LSSS) 2.2.1 and LCO 3.3.2.1 will continue to ensure that the trip setpoints are maintained consistent with the setpoint methodology and the plant safety analysis. The proposed amendment does involve a hardware change. The hardware change involves the deletion of f(ΔI) (BVPS Unit No. 1) and f2 (ΔI) (BVPS Unit No. 2) for the Overpower ΔT Trip Setpoint. This function is not modeled in the safety analysis nor included in the setpoint methodology calculation. Defeating this function, rather than leaving it in the equation with a setting of zero, eliminates the possibility that it will adversely contribute to the Overpower ΔT Trip due to the limitations of the hardware and possible variations in the setpoint. Therefore, this hardware change does not create the possibility of a new or different kind of accident from any accident previously evaluated. Plant operation will not be changed.

Other proposed changes are made so that the technical specifications more accurately reflect the plant-specific trip system hardware in BVPS Unit No. 1.

Furthermore, the proposed changes do not alter the functioning of the RTS and ESFAS.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed RTS and ESFAS trip setpoints are calculated with an approved methodology. The proposed changes to LSSS 2.2.1 and LCO 3.3.2.1 will continue to ensure that the trip setpoints are maintained consistent with the setpoint methodology and the plant safety analysis. Therefore, the response of the RTS and ESFAS to accident transients reported in the Updated Final Safety Analysis Report (UFSAR) is unaffected by this change. This proposed amendment does involve a hardware change. The hardware change involves the deletion of f(ΔI) (BVPS Unit No. 1) and f2(ΔI) (BVPS Unit No. 2) for the Overpower ΔT Trip Setpoint. This function is not modeled in the safety analysis nor included in the setpoint methodology calculation. Defeating this function, rather than leaving it in the equation with a setting of zero, eliminates the possibility that it will adversely contribute to the Overpower ΔT Trip due to the limitations of the hardware and possible variations in the setpoint. Therefore, accident analysis acceptance criteria are not affected. Other proposed changes are made so that the protection system technical specifications more accurately reflect the plant-specific trip system hardware in BVPS Unit No. 1.

The proposed editorial, administrative, and format changes do not affect plant safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

B. Revised Thermal Design Procedure (RTDP)—Overtemperature ΔT and Overpower ΔT

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The revised Figure 2.1–1 and the Overtemperature and Overpower ΔT reactor trip functions do not involve a significant increase in the probability or consequences of an accident previously evaluated because operation with these revised values will not cause any design or analysis acceptance criteria to be exceeded. The structural and functional integrity of all plant systems is unaffected. The Overtemperature and Overpower ΔT reactor trip functions are part of the accident mitigation response and are not themselves an initiator for any transient. Therefore, the probability of occurrence previously evaluated is not significantly affected.

The changes to Figure 2.1–1 and to the Overtemperature and Overpower ΔT reactor trip functions do not affect the integrity of

the fission product barriers utilized for mitigation of radiological dose consequences as a result of an accident. Figure 2.1–1 provides restrictions to prevent overheating of the fuel and cladding, as well as possible cladding perforation, that would result in the release of fission products to the reactor coolant. It does not provide an automatic protective function but does provide the basis for the Overtemperature and Overpower ΔT reactor trip functions. These trip functions ensure that automatic protective actions will be initiated at or before the condition assumed in the safety analyses. These changes produce no adverse effect on the ability of these functions to perform their safety functions assumed in the safety analyses. In addition, the off-site mass releases used as input to the dose calculations are unchanged from those previously assumed. Therefore, the off-site dose predictions remain within the acceptance criteria of 10 CFR 100 limits for each of the transients affected. Since it has been concluded that the transient analyses results are unaffected by the parameter modifications, it is concluded that the probability or consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The revised Figure 2.1–1 and Overtemperature and Overpower ΔT reactor trip functions do not create the possibility of a new or different kind of accident from any accident previously evaluated because the setpoint adjustments do not affect accident initiation sequences. No new operating configuration is being imposed by the setpoint adjustments that would create a new failure scenario. In addition, no new failure modes or limiting single failures have been identified. Therefore, the types of accidents defined in the UFSAR continue to represent the credible spectrum of events to be analyzed which determine safe plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The changes to Figure 2.1–1 and to the Overtemperature and Overpower ΔT reactor trip functions do not involve a significant reduction in a margin of safety because the margin of safety associated with the Overtemperature and Overpower ΔT reactor trip functions, as verified by the results of the accident analyses, are within acceptable limits. All transients impacted by implementation of the RTDP methodology have been analyzed and have met the applicable accident analyses acceptance criteria. The margin of safety required for each affected safety analysis is maintained. This conclusion is not changed by the Overtemperature and Overpower ΔT setpoint modifications. The adequacy of the revised technical specification values to maintain the plant in a safe operating condition has been confirmed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

C. RTDP—Departure From Nucleate Boiling (DNB) Parameter Surveillance Requirements

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The intent of the change is to preserve the Safety Analyses Limits for DNB (TS 3/4.2.5). There is no increase in the probability or consequences of an accident previously evaluated because there is no change to any design or analysis acceptance criteria. The structural and functional integrity of any plant system is unaffected. The proposed license amendment revises the surveillance requirement acceptance criteria for the DNB parameters. The indicated DNB parameters preserve the assumptions used in the accident analysis and, therefore, there is no significant increase in probability or consequences previously evaluated.

The changes to the DNB parameters do not affect the integrity of the fission product barriers utilized for mitigation of radiological dose consequences as a result of an accident. In addition, the off-site mass releases used as input to the dose calculations are unchanged from those previously assumed. Therefore, the off-site dose predictions remain within the limits of the 10 CFR 100 for each of the transients affected. Since it has been determined that the transient results are unaffected by these parameter modifications, it is concluded that the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The revised DNB parameter values do not create the possibility of a new or different kind of accident from any accident previously evaluated. The setpoint values do not affect the assumed accident initiation sequences. No new operating configuration is being imposed by changing these parameters that would create a new failure scenario. In addition, no new failure modes or single failures have been identified for any plant equipment. Therefore, the types of accidents defined in the UFSAR continue to represent the credible spectrum of events to be analyzed which determine safe plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The DNB parameters are consistent with the UFSAR assumptions and maintain the required minimum DNBR [departure from nucleate boiling ratio] above the design limits throughout each analyzed transient. Thereby, the adequacy of the revised DNB parameter values to maintain the plant in a safe operating condition is confirmed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

D. Relocation to Colr [Core Operating Limits Report]

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment is a programmatic and administrative change that does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. Because the design of the facility and system operating parameters are not being changed, the proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The cycle-specific values relocated into the COLR will continue to be controlled by the BVPS programs and procedures. Each accident analysis addressed in the UFSAR will be examined with respect to changes in the cycle-dependent parameters, which are obtained from the use of NRC approved reload design methodologies, to ensure that the transient evaluation of new reloads are bounded by previously accepted analyses. This examination, which will be conducted per the requirements of 10 CFR 50.59, will ensure that future reloads will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment is a programmatic and administrative change and does not result in any change in the manner in which the plant is operated or the way in which the Reactor Protection System provides plant protection. All of the accident transients analyzed in the UFSAR will continue to be protected by the same trip functions with the required trip setpoints. Removal of the cycle specific variables has no influence or impact on, nor does it contribute in any way to the probability or consequences of an accident. No safety-related equipment, safety function, or plant operation will be altered as a result of this proposed change. The cycle specific variables are calculated using the NRC approved methods, and submitted to the NRC to allow the staff to continue to review the values of these limits. The technical specifications will continue to require operation within the core operating limits, and appropriate actions will be required if these limits are exceeded.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change to relocate core safety limits, trip setpoint parameter values,

and DNB parameter values to the Core Operating Limits Report represents an administrative change and no hardware changes are involved; therefore, no accident analysis acceptance criteria are affected.

The margin of safety is not affected by the removal of cycle-specific core operating limits from the technical specifications. The margin of safety presently provided by current technical specifications remains unchanged. Appropriate measures exist to control the values of these cycle specific limits. The proposed amendment continues to require operation within the core limits as obtained from NRC-approved methodologies, and the actions to be taken if a limit is exceeded will continue to require that the plant be placed in Hot Standby within one hour.

The development of the limits for future reloads will continue to conform to those methods described in NRC approved documentation. In addition, each future reload will involve a 10 CFR 50.59 safety review to assure that operation of the unit within the cycle-specific limits will not involve a significant reduction in the margin of safety.

The proposed amendment is a programmatic and administrative change that provides assurance that plant operations continue to be conducted in a safe manner. The proposed amendment does not result in any change in the manner in which the plant is operated or the way in which the Reactor Protection System (RPS) provides plant protection. The proposed relocation does not alter the manner in which safety limits, limiting safety system setpoints or limiting conditions for operation are determined. Therefore, the response of the RPS to accident transients described in the UFSAR is unaffected by this change.

As stated previously, this portion of the proposed amendment does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions.

The accident transients are unaffected and the safety analysis acceptance limits are unaffected. The design of the facility and system operating parameters are not being changed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

E. Relocation to Licensing Requirements Manual (LRM)

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not involve a significant increase in the probability of an accident previously evaluated because no changes are being made to any event initiator. Nor is any analyzed accident scenario being revised. The initiating conditions and assumptions for accidents described in the UFSAR remain as previously analyzed.

The proposed change also does not involve a significant increase in the consequences of an accident previously evaluated. The change does not reduce the operability requirements for the affected instrumentation. The proposed relocation of TS requirements only affects the level of regulatory control involved in future changes to the requirements. The instrument setpoints will continue to be maintained in a similar manner as before. The conclusions and descriptions of the safety analyses described in the UFSAR remain unchanged.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve any physical changes to the plant or the modes of plant operation defined in the technical specifications. The proposed amendment does not involve the addition or modification of plant equipment nor does it alter the design or operation of any plant systems. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes.

There are no changes in this amendment which would cause the malfunction of safety-related equipment assumed to be operable in accident analyses. No new mode of failure has been created and no new equipment performance requirements are imposed. The proposed amendment has no effect on any previously evaluated accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements and safety analysis assumptions.

The proposed change does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed change does not alter the functional capabilities assumed in a safety analysis for any system, structure, or component important to the mitigation and control of design bases accident conditions within the facility. Nor does this change revise any parameters or operating restrictions that are assumptions of a design basis accident. In addition, the proposed change does not affect the ability of safety systems to ensure that the facility can be placed and maintained in a shutdown condition for extended periods of time.

The relocation of TS requirements does not reduce the effectiveness of the requirements being relocated. Rather, the relocation of the TS requirements results in a change in the regulatory control required for future changes made to the requirements. The relocated requirements will continue to be implemented by the appropriate plant procedures (e.g., operating and maintenance procedures) in the same manner as before. However, future changes to the relocated requirements will be controlled in accordance with 10 CFR 50.59 instead of 10 CFR 50.90. The provisions of 10 CFR 50.59 establish adequate controls over requirements removed from the TS and assure future changes to these requirements will be consistent with safe plant operation.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

F. Miscellaneous Changes

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The administrative change, for BVPS Unit No. 1 only, pertaining to two loop operation and Reactor Coolant System isolation valve position, does not affect plant safety. The technical specification requirements in LCOs 3.4.1.1 and 3.4.1.4.1 will continue to prohibit two loop operation and ensure safe plant operation by properly controlling the operation and position of the reactor coolant loops and Reactor Coolant System isolation valves.

The administrative change to delete line item 7.d, pertaining to Auxiliary Feedwater (AFW) Pump Auto-start on Emergency Bus Undervoltage, for BVPS Unit No. 1 only, from TS Tables 3.3–3, 3.3–4, and 4.3–2 will not affect plant safety because this function is not directly initiated by bus undervoltage. Rather, the automatic start of the motor-driven AFW pumps is accomplished by the combination of 1) Emergency Bus feed breaker opening 2) valid start signal from ESFAS, and 3) Emergency Diesel Generator (EDG) sequencer actuation. Requirements for these items are included in the ESFAS related TS, Table 3.3–3 and 3.3–4 items 7.a, 7.c, 7.e, and EDG related TS 4.8.1.1.2.b.3 (b). Therefore, since there is no change made to the plant hardware or its operation and requirements related to the AFW pump auto-start function are maintained elsewhere in the BVPS Unit No. 1 TS, deleting line item 7.d from BVPS Unit No. 1 TS Tables 3.3–3, 3.3–4, and 4.3–2 will not significantly change the probability or consequences of any accident previously evaluated.

The proposed change does not involve a significant increase in the probability of an accident previously evaluated because no changes are being made to any event initiator. Nor is any analyzed accident scenario being revised. The initiating conditions and assumptions for accidents described in the UFSAR remain as previously analyzed.

The proposed change also does not involve a significant increase in the consequences of an accident previously evaluated. The change does not reduce the effectiveness or scope of the affected TS. The proposed changes are administrative in nature and do not affect any technical or equipment operability requirements. The conclusions and descriptions of the safety analyses described in the UFSAR remain unchanged.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve any physical changes to the plant or the modes of plant operation defined in the TS. The proposed amendment does not involve the

addition or modification of plant equipment nor does it alter the design or operation of any plant systems. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes.

There are no changes in this amendment which would cause the malfunction of safety-related equipment assumed to be operable in accident analyses. No new mode of failure has been created and no new equipment performance requirements are imposed. The proposed amendment has no effect on any previously evaluated accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements and safety analysis assumptions.

The proposed change does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed change does not alter the functional capabilities assumed in a safety analysis for any system, structure, or component important to the mitigation and control of design bases accident conditions within the facility. Nor does this change revise any parameters or operating restrictions that are assumptions of a design basis accident. In addition, the proposed change does not affect the ability of safety systems to ensure that the facility can be placed and maintained in a shutdown condition for extended periods of time.

The administrative change to delete line item 7.d, pertaining to AFW Pump Auto-start on Emergency Bus Undervoltage, BVPS Unit No. 1 only, from TS Tables 3.3–3, 3.3–4, and 4.3–2 will not affect plant safety because this function is not directly initiated by bus undervoltage. Rather, the automatic start of the motor-driven AFW pumps is accomplished by the combination of (1) Emergency Bus feed breaker opening, (2) valid start signal from ESFAS, and (3) EDG sequencer actuation. Requirements for these items are included in the ESFAS related TS, Table 3.3–3 and 3.3–4 items 7.a, 7.c, 7.e, and EDG related TS 4.8.1.1.2.b.3 (b). Therefore, since there is no change made to the plant hardware or its operation and requirements related to the AFW pump auto-start function are maintained elsewhere in the BVPS Unit No.1 TS, deleting line item 7.d from BVPS Unit No. 1 TS Tables 3.3–3, 3.3–4, and 4.3–2 will not involve a significant reduction in a margin of safety.

The administrative change, for BVPS Unit No. 1 only, pertaining to two loop operation and Reactor Coolant System isolation valve position, does not affect plant safety. The technical specification requirements in LCOs 3.4.1.1 and 3.4.1.4.1 will continue to prohibit two-loop operation and ensure safe plant operation by properly controlling the operation and position of the reactor coolant loops and Reactor Coolant System isolation valve.

The other proposed changes are also administrative in nature and only affect the format or presentation of information in the TS. The proposed changes have no affect on the conclusions or descriptions of the safety analyses described in the UFSAR.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Marsha Gamberoni.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of amendment request: March 12, 2001.

Description of amendment request: The proposed amendments would revise the current 72-hour allowed outage time (AOT) specified in Technical Specification (TS) 3.8.1.1, Actions ''b'' and ''f,'' and associated TSs 3.4.3 and 3.5.2, to allow 14 days to restore an inoperable emergency diesel generator (EDG) to operable status. The proposed AOT is based on the licensee's integrated assessment of plant operations, deterministic design basis factors, and an evaluation of overall plant risk using probabilistic safety assessment techniques. Additionally, the proposed amendments would relocate TS Surveillance Requirement 4.8.1.1.2.g.1 to a licensee controlled maintenance program that will be incorporated by reference into the Updated Final Safety Analysis Report (UFSAR).

The proposed amendments would also make administrative changes that consist of deleting footnotes on pages 3/4 4–9, 3/4 5–4, 3/4 8–2, and 3/4 8–4, that are no longer applicable, and adding appropriate footnotes on pages 3/4 4–9 and 3/4 8–2 that are compatible with the revised EDG AOT.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments for Turkey Point Unit 3 and Unit 4 will extend the AOT for a single inoperable EDG from 72 hours to 14 days. The EDGs are designed as backup AC power sources for essential safety systems in the event of a loss of offsite power. As such, the EDGs are not accident initiators, and an extended AOT to restore operability of an inoperable diesel generator would not significantly increase the probability of occurrence of accidents previously analyzed.

The proposed Technical Specification revisions involve the AOT for a single inoperable EDG, and do not change the conditions, operating configuration, or minimum amount of operating equipment assumed in the plant safety analyses for accident mitigation. Plant defense-in-depth capabilities will be maintained with the proposed AOT, and the design basis for electric power systems will continue to conform with 10 CFR 50, Appendix A, General Design Criterion 17. In addition, a Probability Safety Assessment (PSA) was performed to quantitatively assess the risk-impact of the proposed amendment for each unit. The impact on the early radiological release probability for design basis events was also evaluated and it is concluded that the risk contribution from this proposed AOT is small and consistent with regulatory risk-assessment acceptance guidelines.

The relocation of the TS Surveillance requirement 4.8.1.1.2.g.1 from the Technical Specifications to a licensee controlled maintenance program referenced in the UFSAR is bounded by the risk assessment for the EDG AOT extension and therefore does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, facility operation in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendments will not change the physical plant or the modes of operation defined in either facility license. The changes do not involve the addition of new equipment or the modification of existing equipment, nor do they alter the design of Turkey Point plant systems. Therefore, facility operation in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed amendments are designed to improve EDG reliability by providing flexibility in the scheduling and performance of preventive and corrective maintenance activities. The proposed changes do not alter the basis for any Technical Specification that is related to the establishment of, or the

maintenance of, a nuclear safety margin, and design defense-in-depth capabilities are maintained. The relocation of the TS Surveillance requirement 4.8.1.1.2.g.1 from the Technical Specifications to a licensee controlled maintenance program referenced in the UFSAR is bounded by the risk assessment for the EDG AOT extension. An integrated assessment of the risk impact of extending the AOT for a single inoperable EDG has determined that the risk contribution is small and is within regulatory guidelines for an acceptable TS change. Therefore, facility operation in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The proposed changes which consist of deleting four footnotes that are no longer applicable, and adding two footnotes that are compatible with the revised EDG AOT are administrative in nature. Therefore, the staff also proposes to determine that these proposed changes involve no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: March 21, 2001.

Description of amendment request: The licensee proposes to implement a repair roll (re-roll) process for the Crystal River Unit 3 (CR–3) Once Through Steam Generator (OTSG) tubes applicable to the upper and lower tubesheets.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The re-roll process is a method to create a new primary-to-secondary pressure boundary joint in the upper tubesheet of Babcock & Wilcox (B&W) Once Through Steam Generators (OTSGs) manufactured with Inconel Alloy 600 tubes. The new pressure boundary is established by the re-roll to remove degradation of the existing roll joint from pressure boundary service. The re-roll process has been previously qualified as an acceptable repair methodology for use in the upper tubesheet of the Crystal River Unit 3 (CR–3) OTSGs by License Amendment No. 180. This proposed LAR incorporates Revision 4 of Topical Report BAW–2303P, ''OTSG Repair Roll Qualification Report.'' This proposed LAR also addresses several editorial changes which do not impact the current CR–3 accident analyses.

The qualification of the OTSG tube re-roll methodology is based on establishing a mechanical joint length that will carry all structural loads imposed on the OTSG tubes while maintaining the required margins during normal and accident conditions. A series of tests and analyses were performed to establish the minimum acceptable length of the OTSG tube re-roll. Tests performed included leak, tensile, fatigue, ultimate load and eddy-current measurement uncertainty. The analyses evaluated plant operating and faulted load conditions. OTSG tube leakage remains bounded by the evaluation presented in the CR–3 Final Safety Analysis Report (FSAR) for a main steam line break (MSLB). The current CR–3 Improved Technical Specifications (ITS) include a description of the required inspection program for the OTSG tube re-rolls. The required ITS inspections following OTSG tube re-roll installation, and during future inservice inspections, ensure continuous monitoring of these tubes such that in service degradation of tubes repaired by the re-roll process will be detected. Based on the qualification testing and analyses performed, as well as the industry experience with the use of the OTSG tube re-roll processes, there are no new safety issues associated with the use of the re-roll methodology. The probability of a steam generator tube rupture is not increased by the re-roll since it is a repair process not applied to defective OTSG tube areas. This repair process establishes a new pressure boundary roll joint which is free of degradation. Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from previously evaluated accidents.

The re-roll process creates no new failure modes or accident scenarios. The new pressure boundary joint created by the re-roll process has been demonstrated, by testing and analysis, to provide structural and leakage integrity equivalent to the original design and construction for all normal operating and accident conditions. Furthermore, testing and analysis demonstrate that the re-roll process creates no new adverse effects for the repaired tube and does not change the design or operating characteristics of the OTSGs. BAW–2303P, Revision 4, addresses limiting events for steam generator re-roll repairs. These events include Main Steam Line Break, Small Break Loss of Coolant Accident and other transients on the B&W Once Through Steam Generators. Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety.

The re-roll process effectively removes the defective/degraded area of the tube from service by establishing a new pressure boundary. The re-roll interface created with the tubesheet satisfies the necessary structural, leakage and heat transfer requirements. Implementation of BAW–2303P, Revision 4, will result in assurance that parameters affecting the integrity of steam generator tubes continue to meet safety analyses and industry codes and standards. Therefore, the FSAR analyzed accident scenarios remain bounding, and the use of the re-roll process does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: R. Alexander Glenn, Associate General Counsel (MAC–BT15A), Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733–4042.

NRC Section Chief: Richard P. Correia.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: March 28, 2001.

Description of amendment request: The proposed amendment would revise the Crystal River Unit 3 Improved Technical Specifications (ITS) 3.7.18, ''Control Complex Cooling System'' to allow a one-time increase in the Completion Time for restoring an inoperable Control Complex Cooling System train from 7 days to 35 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does not involve a significant increase in the probability or consequences of an accident previously analyzed.

The Control Complex Cooling System is not an initiator of any design basis accident. The Control Complex Cooling System is designed to provide sufficient cooling to ensure operability of safety-related equipment located in the control room and other portions of the control complex under normal and accident conditions.

The proposed license amendment extends the Completion Time for restoring an inoperable Control Complex Cooling train from 7 days to 35 days on a one-time basis for each train to allow on-line refurbishment

of the control complex chillers. The proposed amendment also specifies that the requirements of (LCO) 3.0.4 are not applicable to ITS 3.7.18 Condition A during the 35-day Completion Times. The design functions of the Control Complex Cooling System and the initial conditions for accidents that require the Control Complex Cooling System will not be affected by the change. The increased Completion Time requested by License Amendment Request (LAR) #259 results in slight increases in core damage frequency and core damage probability; however, these increases are well below values that are considered risk significant. Therefore, the change will not significantly increase the probability or consequences of an accident previously evaluated.

(2) Does not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment extends the Completion Time for restoring an inoperable Control Complex Cooling System train on a one-time basis for each train to allow on-line performance of maintenance activities that will improve chiller reliability. The proposed amendment will not result in changes to the design, physical configuration or operation of the plant. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does not involve a significant reduction in the margin of safety.

The proposed license amendment increases the Completion Time for restoring an inoperable Control Complex Cooling System train from 7 days to 35 days on a one-time basis for each train. The proposed amendment also specifies that the requirements of Limiting Condition for Operation (LCO) 3.0.4 are not applicable to ITS 3.7.18 Condition A during the one-time 35-day Completion Times. The proposed changes will maintain operational flexibility while allowing on-line refurbishment of the control complex chillers to improve their reliability and extend their useful lifetimes, thus increasing the long-term margin of safety of the system.

The Control Complex Cooling System is designed to provide sufficient cooling to ensure operability of safety-related equipment located in the control room and other portions of the control complex under both normal and accident conditions. Either redundant train of the system is capable of performing this function; therefore, as long as one train is available, the margin of safety is maintained. Waiving the requirements of LCO 3.0.4 while the requested 35-day Completion Times are in effect will not impact the availability of the redundant system train, backup systems, or required support systems. In addition, since the heat removal requirements for the control room and other vital heat loads in the control complex are the same in Mode 1 as they are in Mode 3, allowing the plant to escalate Modes while chiller repairs are in progress will not impact the ability of the Control Complex Cooling System to fulfill its intended safety function. During the time that the required maintenance activities are being performed on each chiller, the availability of redundant system components will be maximized by administratively controlling preventive maintenance and surveillance activities performed on the Control Complex Cooling System and required support systems. Defense-in-depth measures will also be implemented to ensure the availability of temporary and permanently installed backup systems capable of providing cooling to the control room and the other vital equipment areas in the control complex. Although the increased Completion Time requested by LAR #259 results in a loss of redundancy and slight increases in core damage frequency and core damage probability, these increases are well below values that are considered risk significant. Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: R. Alexander Glenn, Associate General Counsel (MAC–BT15A), Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733–4042.

NRC Section Chief: Richard P. Correia.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: February 28, 2001.

Description of amendment request: The proposed amendment changes the Seabrook Station Technical Specifications (TSs) 3/4.8.1.1 A.C. Sources—Operating. In addition, other changes are proposed either for clarity, which are reflective of the improved Standard Technical Specifications for Westinghouse Plants, NUREG–1431, Rev. 1 and Draft Rev. 2, or do not meet the four criteria of 10 CFR 50.36 for inclusion in TSs. Those requirements that do not meet the criteria for inclusion in the TSs will either be deleted or relocated to the Seabrook Station Technical Requirements manual.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a change in the operational limits, do not involve a change in physical design of the electrical power systems, do not change the function or operation of plant equipment or affect the response of that equipment if called upon to operate. The proposed allowed outage time extensions will not cause a significant increase in the probability or consequences of an accident previously evaluated. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of accidents previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

No new or different kind of accident is created because the proposed changes do not involve a change in the operational limits, do not involve a change in physical design of the electrical power systems, do not change the function or operation of plant equipment or introduce any new failure mechanisms. The plant equipment will continue to respond per the design and analyses and there will not be a malfunction of a new or different type introduced by the proposed changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed changes do not involve a significant reduction in the margin of safety.

The margin of safety will remain the same because the proposed changes do not involve a change in the operational limits, do not involve a change in physical design of the electrical power systems, do not change the function or operation of plant equipment or affect the response of that equipment if it is called upon to operate. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270.

NRC Section Chief: James W. Clifford.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: December 21, 2000.

Description of amendment request: The proposed amendment would allow plant operation to continue if the temperature of the Ultimate Heat Sink (UHS) exceeds the Technical Specification limit of 75 °F provided the water temperature, averaged over the previous 24-hour period, is at or below 75 °F. The proposed operational

flexibility would only apply if the UHS temperature is between 75 °F and 77 °F. The current action time requirements would still apply if the UHS temperature exceeds 77 °F, or if the 24-hour averaged value exceeds 75 °F. The current Technical Specification Limiting Condition for Operation (LCO) limit of 75 °F would not be changed. The Bases for the associated Technical Specification would also be modified.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis, which is based on the representations made by the licensee in the December 21, 2000, application, is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will allow plant operation to continue if the temperature of the UHS exceeds the Technical Specification limit of 75 °F provided that: (1) The water temperature, averaged over the previous 24 hour period, is at or below 75 °F, and (2) the UHS temperature is less than or equal to 77 °F. This increase in UHS temperature will not affect the normal operation of the plant to the extent which would make any accident more likely to occur. In addition, there exists adequate margin in the safety systems and heat exchangers to assure the safety functions are met at the higher temperature. An evaluation has confirmed that safe shutdown will be achieved and maintained for a loss of coolant accident (LOCA) with a loss of normal power (LNP) and a single active failure with an UHS water temperature as high as 77 °F.

Thus, the proposed changes will have no adverse effect on plant operation, or the availability or operation of any accident mitigation equipment. The plant response to the design basis accidents will not change. In addition, the proposed changes can not cause an accident. Therefore, there will be no increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will allow plant operation to continue if the temperature of the UHS exceeds the Technical Specification limit of 75 °F provided that: (1) The water temperature, averaged over the previous 24 hour period, is at or below 75 °F, and (2) the UHS temperature is less than or equal to 77 °F. This will not alter the plant configuration (no new or different type of equipment will be installed) or require any new or unusual operator actions. The proposed changes will not alter the way any structure, system, or component functions and will not significantly alter the manner in which the plant is operated. There will be no adverse effect on plant operation or accident mitigation equipment. The proposed changes do not introduce any new failure modes. Also, the response of the plant and the operators following these accidents is unaffected by the changes. In addition, the UHS is not an accident initiator. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety.

The proposed changes will allow plant operation to continue if the temperature of the UHS exceeds the Technical Specification limit of 75 °F provided that: (1) The water temperature, averaged over the previous 24 hour period, is at or below 75 °F, and (2) the UHS temperature is less than or equal to 77 °F. The licensee performed an evaluation of the safety systems to ensure their safety functions can be met with a UHS water temperature of 77 °F. The evaluation determined that an increase in UHS temperature from 75 °F to 77 °F would nominally cause a 2 °F temperature increase in service water system, reactor building closed cooling water system, and associated heat exchanger loads. This represents a slight reduction in the margins of safety in terms of these systems' abilities to remove accident heat loads, and in terms of the thermally induced pipe stresses within these systems during accident conditions. As part of its evaluation, however, the licensee verified that these safety systems will still be able to perform their design basis functions, and that pipe stresses will remain within allowable levels.

Safe shutdown capability has been demonstrated for a UHS water temperature as high as 77 °F.

The proposed changes will have no adverse effect on plant operation or equipment important to safety. The plant response to the design basis accidents will not change and the accident mitigation equipment will continue to function as assumed in the design basis accident analysis. Therefore, there will be no significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut.

NRC Section Chief: James W. Clifford.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: January 5, 2001.

Description of amendment request: The proposed change would amend the Salem Nuclear Generating Station, Unit Nos. 1 and 2 Technical Specifications (TSs) by adding a requirement to perform a Hydrogen Analyzer gas calibration at least once per 92 days, and changing the required frequency to perform a channel calibration of the Hydrogen Analyzer from once per 92 days to once per refueling.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Hydrogen Analyzer provides detection and measurement of containment hydrogen concentration so that hydrogen concentration can be maintained below its flammable limit following a Loss of Coolant Accident. As such the Hydrogen Analyzer does not affect the probability of any previously evaluated accident.

The proposed changes are consistent with the manufacturer's recommendations to ensure that the Hydrogen Analyzer will provide accurate indication of containment hydrogen concentration when required. Under the proposed change, a gas calibration consisting of all elements of the Hydrogen Analyzer channel calibration, with the exception of the calibration of the instrument's resistance temperature detector and pressure transducer, would be performed at least every 92 days. As a part of the gas calibration, a comparison of the indication of Hydrogen Analyzer resistance temperature detector and the pressure transducer against installed plant instrumentation measuring containment temperature and pressure would be performed. At least once per each refueling, a channel calibration of the Hydrogen Analyzers, including a calibration of the instrument's resistance temperature detector and pressure transducer using a secondary standard of a specified accuracy would be performed. Therefore, the proposed change would not affect the consequences of any previously evaluated accident.

2. The proposed changes do not create the possibility of a new or different kind of accident from [any] accident previously evaluated.

The proposed change affects only the specified calibration frequency of the Hydrogen Analyzers. The proposed surveillance frequency complies with the manufacturer's recommendations and will ensure that the Hydrogen Analyzers will provide accurate indication of containment hydrogen concentration when required. The change will not affect the design of any Salem Generating Station structure, system, or component, nor would it result in any new plant configuration. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from [any] accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed change to the Hydrogen Analyzer calibration frequency will not affect the design or operating limits of any Salem

Generating Station structure, system, or component. The proposed surveillance frequency complies with the manufacturer's recommendations and will ensure that the Hydrogen Analyzers will provide accurate indication of containment hydrogen concentration when required. Therefore the proposed changes to the Technical Specifications do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit–N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: December 28, 2000.

Description of amendment request: This proposed amendment would revise Technical Specification (TS) 3/4.3.2, and Tables 3.3–3 and 3.3–4 to incorporate consistent applicability and action for Engineered Safety Feature Actuation System (ESFAS) Instrumentation, Functional Unit 5.b. (Automatic Actuation Logic and Actuation Relay) Turbine Trip and Feedwater Isolation. This change will provide consistency between Tables 3.3–3, 3.3–4, and 4.3–2, and will be similar to the equivalent requirement in NUREG–1431, Revision 1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The addition of an ACTION STATEMENT and the addition of an AOT [allowed outage time] (and its associated actions if not met) for a TS action statement are neither an accident initiator or precursor. The ESFAS actuates in response to an accident and has a mitigating function. Increasing the TS requirements for specific TS instrument loops provides additional assurance that the channels will be capable of performing their design function in the event of a DBA [design-basis accident]. The ability of the operations staff to respond to an evaluated accident or plant transient will not be hampered. This change provides conservative requirements to assure that the design basis of the plant is maintained.

Addition of conservative changes to the Engineered Safety Feature Actuation System Instrumentation do not contribute to the initiation of any accident evaluated in the FSAR [Final Safety Analysis Report]. Supporting factors are as follows:

- The changes provide consistency between Tables 3.3–2, 3.3–3, and 4.3–2, resulting in a one-for-one correlation between the functional units in those tables. These changes are conservative and consistent with the Standard Technical Specifications, NUREG–1431, Rev. 1. There are no deletions from the Technical Specifications made by these changes, nor relaxation in any applicability, action, or surveillance requirements.
- Overall plant performance and operation is not altered by the proposed changes. There are to be no plant hardware changes as a result of this proposed change and only minimal procedural changes.

Therefore, since the Engineered Safety Feature Actuation System Instrumentation are treated more conservatively, the probability of occurrence or consequences of an accident evaluated in the VCSNS FSAR will be no greater than the original design basis of the plant.

Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes provide consistency between Tables 3.3–2, 3.3–3, and 4.3–2, resulting in a one-for-one correlation between the functional units in those tables. Additionally, the addition of an ACTION STATEMENT and an AOT with conservative requirements are intended to assure that the plant is in a safe configuration and can meet accident analyses assumptions. These changes are conservative and consistent with the Improved Technical Specifications, NUREG–1431, Rev. 1. No new accident initiator mechanisms are introduced since:

- No physical changes to the Engineered Safety Feature Actuation System Instrumentation are made.
- No deletions from the Technical Specifications are made.
- No relaxation in any applicability, action, or surveillance requirements are made.

Since the safety and design requirements continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, no new accident scenarios have been created. Therefore, the types of accidents defined in the FSAR continue to represent the credible spectrum of events to be analyzed which determine safe plant operation.

3. Does this change involve a significant reduction in margin of safety?

The proposed change requires that an instrument channel for an Engineered Safety Feature remain operable or be restored to operability within a reasonable time period, otherwise a controlled shutdown is required. This conforms to the safety analysis where the plant and its systems, structures and components must be capable of performing the safety function while a DBA is occurring, in the presence of a worst case single failure.

This is not a reduction in a margin of safety, since it restores the margin that was designed into the plant.

The proposed changes provide consistency between Tables 3.3–2, 3.3–3, and 4.3–2, resulting in a one-for-one correlation between the functional units in those tables. These changes are conservative and consistent with the Standard Technical Specifications, NUREG–0452, Rev. 5.

The proposed changes impose more restrictive operating limitations, and their use provides increased assurance that the Engineered Safety Feature Actuation System Instrumentation remains operable. Since the changes are conservative additions, it is concluded that the changes do not involve a significant reduction in the margin of safety. This is not a reduction in a margin of safety, since it restores the margin that was designed into the plant.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas G. Eppink, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: Richard L. Emch, Jr.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 21, 2001.

Description of amendment requests: The amendment application proposes to revise the Facility Operating License No. NPF–10, and Facility Operating License No. NPF–15 for San Onofre Nuclear Generating Station, Units 2 and 3, respectively. The licensee proposed to simplify the Facility Operating Licenses by deleting those license conditions which have been completed and are no longer required to be identified in the licenses.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

This proposed change is administrative since it only deletes completed San Onofre Units 2 and 3 license conditions, providing

appropriate references and discussion of the actions taken which document their completion. There is no physical plant change or change to plant operation which could increase the probability or consequences of any accident previously evaluated.

Therefore, the probability or consequences of any accident previously evaluated is not increased.

(2) Create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

This proposed change is administrative because it only deletes completed Onofre Units 2 and 3 license conditions and there is no physical plant change or change to plant operation which could introduce any mechanism which could create a new or different kind of accident.

Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

(3) Involve a significant reduction in a margin of safety?

Response: No.

This change is administrative because it only deletes completed San Onofre Units 2 and 3 license conditions and there is no physical plant change or change to plant operation, therefore there is no impact in a margin of safety.

Therefore, a significant reduction in a margin of safety is not involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 21, 2001.

Description of amendment requests: The amendment application proposes to revise the San Onofre Nuclear Generating Station, Units 2 and 3, Technical Specification (TS) to clarify the methodology used to test the Control Room Emergency Air Cleanup System and Post-Accident Cleanup Filter System High Efficiency Particulate Air (HEPA) filters. Specifically, in TS 5.5.2.12, ''Ventilation Filter Testing Program (VFTP),'' the reference to the American Society for Mechanical Engineers (ASME) Code ASME N510–1989 will be revised to the American National Standards Institute (ANSI) N510–1975. Also, in TS 5.5.2.12.d, references to Regulatory Guide (RG) 1.52, Revision 2, and ASME N510–1989 will be deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is to change the reference to ASME Code in subsections 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ASME N510–1975. Technical Specification (TS) 3.7.11, ''Control Room Emergency Air Cleanup System (CREACUS)'' Surveillance Requirement (SR) 3.7.11.2 and TS 3.7.14, ''Fuel Handling Building Post-Accident Cleanup Filter System (PACU),'' SR 3.7.14.2 require CREACUS and PACU filter testing ''in accordance with the Ventilation Filter Testing Program (VFTP).''

San Onofre Nuclear Generating Station (SONGS) TS 5.5.2.12.a, ''Ventilation Filter Testing Program,'' states that the in-place HEPA filter testing is performed in accordance with Regulatory Guide (RG) 1.52, Revision 2 and ASME N510–1989. However, the CREACUS in-place HEPA filter testing uses a method (''Alternate Shroud Test'') which is no longer specified in ASME N510–1989. But this method is specified in ANSI N510–1975 and was used when the plant was licensed. In addition, the PACU in-place HEPA filter testing methodology which is employed at SONGS has a downstream point location which differs from the location suggested in ASME N510–1989. ANSI N510–1975, while providing a suggestion where downstream sample could be located, nevertheless does not provide a specific location. The test acceptance criteria are the same for methods cited in ANSI N510–1975 and ASME N510–1989. The method which is employed at SONGS provides more conservative results because the test is performed on individual HEPA filters, which ensures that each of the HEPA filters in the tested bank meets the acceptance criteria.

The locations of the PACU HEPA downstream sample points are different from the location suggested in ASME N510–1989, though they meet the requirements delineated in ANSI N510–1975. ANSI N510–1975 requires that a single representative downstream sample point be established, if possible, at the location where adequate mixing may be achieved, or at a point downstream of a fan, or multiple downstream sampling points may be used (such as in the Alternate Shroud Technique used in the CREACUS system) if a single downstream sample point is not feasible.

Since the HEPA filters are tested to the same acceptance criteria, and the testing methodology is permitted by ANSI N510–1975, to which the plant is licensed, it is concluded that the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Section 5.5.12.d will be modified by the proposed change by deleting the references to RG 1.52, Revision 2 and ASME N510–1989. There are no requirements for pressure drop test across combined HEPA filters, the prefilters, and the charcoal absorbers in RG 1.52, Revision 2, and ASME N510–1989. The proposed version of section 5.5.2.12.d reads:

''Testing to demonstrate the pressure drop across the combined HEPA filters, the prefilters, and the charcoal absorbers, when tested at the appropriate system flowrate.''

The proposed change clarifies the statement of section 5.5.2.12.d. Pressure drop testing across combined HEPA filters, the prefilters, and the charcoal adsorbers is industry-wide practice which is based on good engineering practice and operating experience.

Therefore, the probability or consequences of an accident previously evaluated will not be increased by operating the facility in accordance with this proposed change.

(2) Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design or configuration of the plant. The proposed change is to change the reference to ASME Code in subsection 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975 to more clearly reflect the standard used. Also, subsection 5.5.2.12.d will be changed by deleting the references to RG 1.52, Revision 2, and ASME N510–1989 regarding pressure drop test across HEPA filters. RG 1.52, Revision 2, and ASME N510–1989 do not require pressure drop test across HEPA filters.

Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident that has been previously evaluated.

(3) Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is to change the reference to the ASME Code in subsections 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975. The CREACUS units' HEPA filters are currently tested to ANSI N510–1975. Although the test methodology is slightly different than that in ASME N510–1989, the acceptance criteria are the same and the current methodology is conservative. Thus the current testing satisfies the acceptance criteria of ASME N510–1989, even though the test method is different.

The current methodology for HEPA filter testing will not change as a result of the proposed change. Also, deletion of reference to RG 1.52, Revision 2, and ASME N510–1989 from subsection 5.5.2.12.d clarifies this section because these standards do not require HEPA filters pressure drop test. Consequently, there is no change to the design or operation of the plant as a result of this change.

Therefore, operation of the facility in accordance with this proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: March 12, 2001 (TS 99–18).

Brief description of amendments: The proposed amendment would revise the Sequoyah Nuclear Plant (SQN) Technical Specifications (TSs). The revision would delete TS 4.7.7.a and add proposed TS 3/4.7.13 regarding the control room air conditioning system to make the SQN TSs more consistent with the Westinghouse Standard TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), Tennessee Valley Authority (TVA), the licensee, has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

TVA has identified Surveillance Requirement (SR) 4.7.7.a, which determines operability of the main control room emergency ventilation system (CREVS) relative to temperature, to be inadequate and nonconservative. TVA proposes to deleted this SR coincident with the addition of a new TS 3/4.7.13. The proposed TS addition for the main control room air-conditioning system (CRACS) provides a more adequate SR for determination of operability with associated actions to take for inoperability; resolves an inadequate TS in accordance with the guidance in NRC [U.S. Nuclear Regulatory Commission] Administrative Letter 98–10; establishes clarity between CRACS and CREVS; and provides greater consistency with NUREG–1431 and TSTF–51 [TS Task Force issue Traveler No. 51], Revision 2. These proposed revisions are conservative and are not the result of a change to plant equipment, system design, testing methods, or operating practices. Since the proposed revisions will increase conservatism and the systems will continue to meet their required safety function without plant modification or operating practices, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revisions to the SQN TSs will not alter plant equipment or operating practices. The change will not result in the installation of any new equipment or systems. The intent of deleting the SR and adding a specification is to address a nonconservative TS, provide clarification of plant systems, and improve consistency with NUREG–1431. Since the systems' functions are associated with accident mitigation and will continue to perform without change and were not previously considered to contribute to accident generation, the proposed changes will not create the possibility of a new or different kind of accident.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

Both the main control room (MCR) emergency ventilation and air-conditioning systems provide for the safe, uninterrupted occupancy of the MCR during an accident and the subsequent recovery period. The proposed TS revisions will not change the methods of operating the plant or setpoints associated with safety-related equipment in the implementation of this request. Therefore, the proposed revisions do not involve a reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: January 15, 2001.

Brief description of amendment: The amendment revised TS 5.4.2(f) to remove the fuel assembly U–235 loading criterion for fuel assemblies stored in the spent fuel storage pool.

Date of issuance: March 26, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance including issuance of approval of changes to the Updated Final Safety Analysis Report as described in the Nuclear Regulatory Commission staff's safety evaluation.

Amendment No.: 231.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** February 21, 2001 (66 FR 11051).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 26, 2001.

No significant hazards consideration comments received: No.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: October 20, 2000, as supplemented March 14, 2001.

The March 14, 2001, letter provided additional clarifying information, which did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice.

Brief description of amendment: The amendment revised the frequency for maintenance inspections of the emergency diesel generators from annually to once every 2 years and stated that the inspections shall be conducted in accordance with procedures developed in conjunction with applicable Fairbanks Morse Owners Group and manufacturer's recommendations.

Date of issuance: March 29, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 232.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 10, 2001 (66 FR 2012).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2001.

No significant hazards consideration comments received: No.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: December 1, 2000.

Brief description of amendments: The amendments revise the value of the minimum departure from nucleate boiling ratio (DNBR) from ''≥ 1.30'' in the current Technical Specifications (TSs) to ''≥ 1.3 (through operating cycle 10)'' and ''≥ 1.34 (operating cycle 11 and later)'' in the safety limits TS 2.1.1.1 and in function 15, DNBR—Low, in Table 3.3.1–1, ''Reactor Protective System Instrumentation.'' The amendments are structured such that the ''≥ 1.34'' would become effective for each unit in operating cycle 11 and later. Operating cycle 11 begins in spring 2002 for Unit 2, in fall 2002 for Unit 1, and in spring 2003 for Unit 3. From now to operating cycle 11, the ''≥ 1.30'' will remain the minimum DNBR requirement for the three units.

Date of issuance: March 28, 2001

Effective date: March 28, 2001, and shall be implemented within 60 days of the date of issuance.

Amendment Nos.: Unit 1–133, Unit 2–133, Unit 3–133

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001 (66 FR 7670)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2001.

No significant hazards consideration comments received: No.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: December 5, 2000.

Brief description of amendments: The amendments revise the action statement for Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' of the Technical Specifications (TSs). The amendments incorporate NRC-approved TS Task Force (TSTF) Traveler Number TSTF–340, Revision 3, to allow a 7-day completion time for the turbine-driven AFW pump if inoperability occurs in reactor Mode 3 following a refueling outage, and if Mode 2 had not been entered.

Date of issuance: March 29, 2001.

Effective date: March 29, 2001, and shall be implemented within 45 days of the date of issuance.

Amendment Nos.: Unit 1–134, Unit 2–134, Unit 3–134.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2001.

No significant hazards consideration comments received: No.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: January 25, 2000, as supplemented on October 31, 2000, and December 18, 2000.

Brief description of amendments: The amendments revise the Calvert Cliffs Technical Specifications to eliminate response time testing for those pressure sensors which were discussed and approved in the Combustion Engineering Owners Group Topical Report NPSD–1167.

Date of issuance: March 22, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 244 and 218.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 9, 2000 (65 FR 6403).

The October 31 and December 18, 2000, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated March 22, 2001.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, et al., Docket Nos. 50–32 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: December 1, 2000.

Brief Description of amendments: The amendments change the Technical Specifications for the submittal date of the ''Radioactive Effluent Release Report'' to ''prior to May 1'' of each year.

Date of issuance: March 21, 2001.

Effective date: March 21, 2001.

Amendment Nos.: 212 and 239.

Facility OperatingLicense Nos. DPR–71 and DPR–62: Amendments change the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 7, 2001 (66 FR 9381).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 21, 2001.

No significant hazards consideration comments received: No.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: December 7, 2000, as revised by letter dated January 12, 2001.

Brief description of amendment: The amendment changes the Technical Specifications (TSs) to allow Type B and C containment leak rate testing to be performed in accordance with 10 CFR Part 50, Appendix J, Option B. The amendment also increases the interval in TS Surveillance Requirement 3.6.2.2 for containment air lock door interlock testing from 18 months to 24 months.

Date of issuance: March 30, 2001.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 194.

Facility Operating License No. DPR–20. Amendment changed the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001 (66 FR 7676).

The licensee's letter dated January 12, 2001, did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2001.

No significant hazards consideration comments received: No.

Duke Energy Corporation, et al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of application for amendment: February 20, 2001.

Brief description of amendment: The amendment revised the Technical Specifications Table 3.3.2–1 for Catawba Nuclear Station Unit 1. It modified the required actions for the Engineered Safety Feature Actuation System Table 3.3.2–1, function 6.f (auxiliary feedwater (AFW), auxiliary feedwater pump train A and train B suction transfer on suction pressure—low) on a one-time basis. The proposed one-time change will require that if more than one channel of low suction pressure instrumentation becomes inoperable, in lieu of requiring unit shutdown within 7 hours, the licensee will immediately enter the applicable condition(s) or required action(s) for the associated AFW train made inoperable by the inoperable channels. This modification will support the timely replacement of a broken pressure switch in the Train B of AFW suction transfer on low suction pressure function.

Date of issuance: April 6, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 190.

Facility Operating License No. NPF–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 27, 2001 (66 FR 12568). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 6, 2001.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: November 2, 2000.

Brief description of amendment: The amendment made the following changes: (1) added a new Technical Specification (TS) 3.3.1.3, ''Oscillation Power Range Monitoring (OPRM) Instrumentation,'' (2) revised TS 3.4.1, ''Recirculation Loops Operating,'' to remove monitoring specifications that are no longer needed upon activation of the automatic OPRM instrumentation, and (3) revised TS 5.6.5 to include in the Core Operating Limits Report the applicable operating limits for the OPRM and also reference the topical report that describes the analytical methods used to determine the setpoint values for the OPRM.

Date of issuance: April 5, 2001.

Effective date: April 5, 2001, and shall be implemented prior to restart from Refuel Outage 15.

Amendment No.: 171.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77916).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Energy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: September 1, 2000.

Brief description of amendment: The amendment approves a change to the Pilgrim Technical Specification Table 4.6–3. The change modifies the reactor pressure vessel surveillance capsule withdrawal schedule by substituting ''21 (approx)'' under the column ''Effective Full Power Years (EFPY)'' for the current ''18 (approx).''

Date of issuance: April 2, 2001.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 188.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1, 2000 (65 FR 65342).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 2, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: September 28, 2000, as supplemented by letters dated October 26, 2000, and February 19, 2001.

Brief description of amendment: The amendment changes the Arkansas Nuclear One, Unit 1 technical specifications to allow a revised reroll repair process for the steam generators.

Date of issuance: March 28, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 212.

Facility Operating License No. DPR–51: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77519).

The supplemental letters dated October 26, 2000, and February 19, 2001, provided additional information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the application.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: August 29, 2000, as supplemented by letter dated March 2, 2001.

Brief description of amendment: The amendment revises the TS to allow steam generator tubes to remain in service with indications of outer diameter intergranular attack (ODIGA) in the upper tubesheet region of the steam generators.

Date of issuance: March 28, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 213.

Facility Operating License No. DPR–51: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77917).

The supplemental letter dated March 2, 2001, provided clarifying information that did not change the initial proposed no significant hazards consideration

determination or expand the scope of the application.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of application for amendment: November 20, 2000.

Brief description of amendment: Revised Technical Specification Figure 3.4.6.1–1, which affects heatup, cooldown and inservice test Pressure-Temperature limitations. The revisions are applicable until the end of Operating Cycle 7.

Date of issuance: March 23, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 111.

Facility Operating License No. NPF–85. This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11058).

The December 20, 2000, letter provided additional information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 23, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Unit Nos. 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: January 18, 2001, as supplemented February 20, and March 26, 2001.

Brief description of amendments: The amendments changed the Technical Specification (TS) Table 1.2, ''Operational Conditions,'' and TS 3/4.9.1, ''Reactor Mode Switch,'' to allow movement of a single control rod with the reactor in hot shutdown or cold shutdown for post-maintenance and surveillance testing of the control rod and the control rod drive. The amendments also changed TS Table 3.3.1–1 to require the nuclear instrumentation system intermediate range monitors (IRMs) to be operable when moving a control rod in hot shutdown or cold shutdown. TS Table 4.3.1.1–1 is changed to add surveillance requirements for the IRMs in hot or cold shutdown.

Date of issuance: April 5, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendments Nos.: 149 and 112.

Facility Operating License Nos. NPF–39 and NPF–85: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11060). The February 20, and March 26, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: January 18, 2001.

Brief description of amendments: The amendments changed Technical Specification Surveillance Requirement 4.9.2.d to allow the shorting links to remain in place if adequate shutdown margin has been demonstrated.

Date of issuance: April 5, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendments Nos.: 150 and 113.

Facility Operating License Nos. NPF–39 and NPF–85: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11059).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: December 27, 1999.

Brief description of amendments: The amendments revise Technical Specifications (TSs) to increase allowable out-of-service times (AOTs) and surveillance test intervals (STIs) for selected actuation instrumentation. The amendments implement AOT/STI changes based on Topical Reports by General Electric Company and the Boiling Water Reactor Owners' Group which have previously been reviewed and approved by the Nuclear Regulatory Commission (NRC).

Date of issuance: March 28, 2001.

Effective date: Immediately, to be implemented within 120 days.

Amendment Nos.: 198 and 194.

Facility Operating License Nos. DPR–29 and DPR–30: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 9, 2000 (65 FR 48746).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 28, 2001.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station (BVPS), Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of application for amendments: May 12, 2000, as supplemented by letters dated June 19, November 2, and December 1, 2000, and January 29, 2001.

Brief description of amendments: This amendment authorized changes to the BVPS–1 and 2, Updated Final Safety Analysis Reports (UFSARs) with regard to selected design-basis accident dose consequence calculations. For BVPS–1, changes involve the following DBAs: loss of offsite alternating-current (AC) power, fuel-handling accident, accidental release of waste gas, steam generator tube rupture, rod cluster control assembly ejection, single reactor coolant pump locked rotor, and loss of reactor coolant for small ruptured pipes/loss-of-coolant accidents. For BVPS–2, changes involve the following DBAs: steam system piping failures (or main steam line break), loss of AC power, reactor coolant pump shaft seizure, rod cluster control assembly ejection, failure of small lines carrying primary coolant outside containment, steam generator tube rupture, loss-of-coolant accidents, and waste gas system failure.

Date of issuance: March 22, 2001.

Effective date: This license amendment is effective as of the date of its issuance and shall be implemented by the next update to the UFSAR as required by 10 CFR 50.71(e). Implementation of the amendment requires the incorporation in the UFSAR of the changes to the description of the facility as described in the licensee's application dated May 12, 2000, as supplemented June 19, November 2, and December 1, 2000, and January 29, 2001.

Amendment Nos.: 237 and 119

Facility Operating License Nos. DPR–66 and NPF–73: Amendments authorize revisions to the BVPS–1 and 2 UFSARs.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54086).

The June 19, 2000, letter revised the licensee's no significant hazards evaluation and was used, with the original submittal, as a basis for the staff's proposed no significant hazards consideration determination which was published on September 6, 2000. The November 2, and December 1, 2000, and January 29, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice.

The Commission's related evaluation of the UFSAR changes is contained in a Safety Evaluation dated March 22, 2001.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendment: November 27, 2000, as supplemented March 12, 2001.

Brief description of amendment: The amendments delete Technical Specifications Section 6.8.4.3, ''Post-Accident Sampling,'' thereby eliminating the requirements to have and maintain the post-accident sampling system.

Date of Issuance: March 27, 2001.

Effective Date: March 27, 2001.

Amendment No.: 174 and 114.

Facility Operating License Nos. DPR–67 and NPF–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81921). The March 12, 2001, supplement did not affect the original proposed no significant hazards determination, or expand the scope of the request as noticed in the **Federal Register**. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2001.

No significant hazards consideration comments received: No.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: August 31, 2000.

Brief description of amendment: This amendment revised Technical Specification (TS) and associated Bases pages Table 3.3.18–1, ''Remote Shutdown System Instrumentation.'' The list of instruments that would be used by operators to place and maintain the plant in a safe shutdown condition from outside the control room have been modified consistent with recent plant modifications and changes to the approach to achieve and maintain a safe shutdown condition.

Date of issuance: March 22, 2001.

Effective date: Date of issuance, to be implemented prior to Fall 2001 Restart.

Amendment No.: 196.

Facility Operating License No. DPR–72: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 4, 2000 (65 FR 59223).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 2001.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: November 15, 2000, as supplemented March 7, 2001.

Brief description of amendments: The proposed amendment would revise Technical Specification (TS) 3.2.6, ''Allowable Power Level—APL,'' and TS 1.38, ''Allowable Power Level (APL),'' definitions of APL to make them consistent throughout the TSs.

Date of issuance: March 29, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 251, 233.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81924). The supplement contained clarifying information and did not change the initial no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 29, 2001.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit 1, Berrien County, Michigan

Date of application for amendment: January 2, 2001, as supplemented March 5, 2001.

Brief description of amendment: The amendment revises Technical Specifications (TS) 3/4.6.2.2.a for the Unit 1 spray additive tank to require a contained volume between 4000 and 4600 gallons of between 30 and 34 percent by weight sodium hydroxide (NaOH) solution. In addition, the amendment makes four types of format changes to the TS pages for Unit 1.

Date of issuance: March 29, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 252.

Facility Operating License No. DPR–58: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001 (66 FR 7681).

The March 5, 2001, supplemental letter did not change the scope of the proposed action and did not change the NRC's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2001.

No significant hazards consideration comments received: No.

Niagara Mohawk Power Corporation, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendment: January 13, 2000 (submitted by PP&L, Inc., the licensee before July 1, 2000), as supplemented September 6, 2000 (submitted by PPL Susquehanna, LLC, the licensee on and after July 1, 2000).

Brief description of amendment: The amendments made administrative changes to the Technical Specifications correcting the wording of the legends in Figure 3.4.10.1, ''Reactor Vessel Pressure vs. Minimum Vessel Temperature,'' for both units, and correcting administrative errors in Section 5.6.5.b, regarding the Core Operating Limits Report, for Unit 2.

Date of issuance: March 30, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 192 and 167.

Facility Operating License Nos. NPF–14 and NPF–22: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 5, 2000 (65 FR 17918).

The staff's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: August 31, 2000, as supplemented October 12 and November 8, 2000, and February 16, 2001.

Brief description of amendment: This amendment conforms the license to reflect the transfer of Operating License No. DPR–21 for the Millstone Nuclear Power Station, Unit No. 1 to the extent held by the Selling Owners to Dominion Nuclear Connecticut, Inc., as previously approved by an Order dated March 9, 2001.

Date of issuance: March 31, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 109.

Facility Operating License No. DPR–21: The amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** October 24, 2000 (65 FR 63630).

The October 12 and November 8, 2000, and February 16, 2001 supplements provided clarifying information and did not expand the scope of the application as originally published.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 9, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: July 31, 2000, as supplemented January 4, 2001.

Brief description of amendment: This amendment authorizes changes to the Millstone Nuclear Power Station, Unit No. 2 Final Safety Analysis Report (FSAR) to allow the use of the Siemens Power Corporation U.S. Nuclear Regulatory Commission-approved methodology for determining the fuel centerline melt linear heat rate limit (FCMLHRL) on a cycle-by-cycle basis. Northeast Nuclear Energy Company evaluated this method of calculating FCMLHRL utilizing the criteria of 10 CFR 50.59 and determined that this change required NRC approval before implementation. Technical Specification Bases 2.1.1, ''Reactor Core,'' has also been revised accordingly.

Date of issuance: March 29, 2001.

Effective date: As of the date of issuance and shall be implemented no later than the date of submission of the next update of the FSAR.

Amendment No.: 255.

Facility Operating License No. DPR–65: Amendment authorized changes to the FSAR and revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001 (66 FR 7684).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 29, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–336 and 50–423, Millstone Nuclear Power Station, Unit Nos. 2 and 3, New London County, Connecticut

Date of application for amendment: August 31, 2000, as supplemented October 12 and November 8, 2000, and February 16, 2001.

Brief description of amendment: These amendments conform the licenses to reflect the transfer of Operating Licenses Nos. DPR–65 and NPF–49 for the Millstone Nuclear Power Station, Unit Nos. 2 and 3, to the extent held by the Selling Owners to Dominion Nuclear Connecticut, Inc., as previously approved by an Order dated March 9, 2001.

Date of issuance: March 31, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 256 and 196.

Facility Operating License Nos. DPR–65 and NPF–49: These amendments revise the operating licenses and Millstone, Unit 2, Technical Specifications.

Date of initial notice in ***Federal Register:*** October 24, 2000 (65 FR 63630).

The October 12 and November 8, 2000, and February 16, 2001, supplements provided clarifying information and did not expand the scope of the application as originally published.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 9, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: February 5, 2001.

Brief description of amendment: The amendment revised the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs) 3.1.d.2 to reduce the maximum allowable leakage of primary system reactor coolant to the secondary system from 500 gallons per day (gpd) through any one steam generator to 150 gpd through any one steam generator. In addition, the amendment removes reference to the voltage based repair criteria.

Date of issuance: March 27, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 153.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11062).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: December 13, 2000, as supplemented April 3, 2001.

Brief description of amendment: The amendment changes License Condition 2.C.4 to conform to NRC Generic Letter (GL) 86–10, ''Implementation of Fire Protection Requirements.'' The amendment also relocates the Fire Protection Program (FPP) elements from the Technical Specifications to the licensee-controlled FPP, in accordance with GL 86–10 and GL 88–12, ''Removal of Fire Protection Requirements from Technical Specifications.''

Date of issuance: April 5, 2001.

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment No.: 119.

Facility Operating License No. DPR–22. Amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2001 (66 FR 7684).

The April 3, 2001, letter was within the scope of the original **Federal Register** notice and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: October 18, 2000.

Brief description of amendment: The amendment revised Section 2.1.2, Figures 2–1A and 2–1B, and the associated Bases of the Fort Calhoun Station Technical Specifications to extend the existing pressure-temperature (P–T) curves from 20 effective full power years (EFPY) to 24.25 EFPY. Additionally, the amendment deletes Figure 2–3, ''Predicted Radiation Induced NDTT Shift'' and updates the fluence analysis for projecting RT_{NDT} at 24.25 EFPY.

Date of issuance: March 27, 2001.

Effective date: March 27, 2001, and shall be implemented within 30 days from the date of issuance.

Amendment No.: 197.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81925).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 2001.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: April 14, 2000, as supplemented by letters dated June 2, July 28, and December 1, 2000, and January 31, 2001.

Brief description of amendment: The amendment changed the surveillance requirements for laboratory testing of the charcoal adsorbers for the control room, the spent fuel pool storage area and the safety injection pump rooms. In addition, the amendment deletes the laboratory testing requirements for the containment charcoal adsorbers. The changes comply with the guidance of Generic Letter 99–02, ''Laboratory Testing of Nuclear-Grade Activated Charcoal.''

Date of issuance: April 4, 2001.

Effective date: April 4, 2001, and shall be implemented within 60 days from the date of issuance.

Amendment No.: 198.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 5, 2001 (66 FR 13355).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 2001.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: May 15, 2000, as supplemented on August 25, 2000.

Brief description of amendments: The amendments revise Technical Specifications (TSs) requirements to test the remaining diesel generators (DGs) when one of the two independent offsite power sources is inoperable, as described in Section 3/4.8.1, Action a; and when a DG is inoperable for other than preventive maintenance reasons, as described in Section 3/4.8.1, Action b, of the TSs. The amendments also expand the DG loading band from existing 2500–2600 KW to 2330–2600 KW for the monthly, 6-month, and the 2-hour loaded prerequisite for the hot restart tests, and correct an administrative oversight.

Date of issuance: April 2, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment Nos.: 242 and 223.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 12, 2000 (65 FR 43052).

The August 25, 2000, supplement did not change the conclusions made in the Commission's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 2, 2001.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: January 11, 2001.

Brief description of amendments: The amendments delete Technical Specifications (TS) Section 5.5.2.2, ''Post Accident Sampling Program,'' for San Onofre Nuclear Generating Station, Units 2 and 3, and thereby eliminate the requirements to have and maintain the post-accident sampling systems (PASS). The amendments also revise TS 5.5.2.8, ''Primary Coolant Sources Outside Containment Program,'' to reflect the elimination of PASS. Additionally, the amendments delete PASS-related License Conditions 2.c(19)i for Unit 2 and 2.C.(17)d for Unit 3.

Date of issuance: March 26, 2001.

Effective date: March 26, 2001, to be implemented within 60 days of issuance.

Amendment Nos.: Unit 2—178; Unit 3–169.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11063).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 26, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–260, Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama

Date of application for amendment: February 5, 2001.

Brief description of amendment: The amendment authorizes a one cycle delay in removal of the second capsule.

Date of issuance: April 2, 2001.

Effective date: April 2, 2001.

Amendment No.: 271.

Facility Operating License No. DPR–52: The amendment revises the Reactor Vessel Material Surveillance Program.

Date of initial notice in ***Federal Register:*** February 28, 2001.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 2, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: January 22, 2001 (TS 00–01).

Brief description of amendments: These amendments revised the Technical Specifications (TSs) by revising the surveillance test requirement to assess flow blockage in the ice condenser containment.

Date of issuance: March 22, 2001.

Effective date: March 22, 2001.

Amendment Nos.: 267 and 258.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** February 7, 2001 (66 FR 9388).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 22, 2001.

No significant hazards consideration comments received: No.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: September 26, 2000.

Brief description of amendment: This amendment revises Technical Specification (TS) requirements regarding secondary containment systems, including the Standby Gas Treatment System. The affected TS sections are 1.0, Definitions; 3/4.7.B, Standby Gas Treatment System; and 3/4.7.C, Secondary Containment System. In addition, a new TS section, 3/4.7.E, Reactor Building Automatic Ventilation System Isolation Valves is proposed. Some of the proposed changes are administrative in nature and do not affect the technical aspects of the requirements. Associated changes to the TS Bases are also being made to conform to the changed TS. The proposed changes provide certain additional flexibility in operations when equipment is made or found to be inoperable, while also ensuring appropriate actions are taken to place the plant in a safe condition under such conditions.

Date of Issuance: March 23, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 197.

Facility Operating License No. DPR–28: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 18, 2000 (65 FR 62394).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 23, 2001.

No significant hazards consideration comments received: No.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: October 25, 2000.

Brief description of amendment: The amendment revises the 125-volt DC station battery system Technical Specifications Section 3.10.A.2.b to reflect the availability of a second, fully qualified battery charger, for each main station battery system.

Date of Issuance: March 27, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 198.

Facility Operating License No. DPR–28: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 13, 2000 (65 FR 77928).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 27, 2001.

No significant hazards consideration comments received: No.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: December 7, 2000.

Brief description of amendment: The amendment revises Technical Specification 3.5.A.1 by adding a note regarding operability of the Low Pressure Coolant Injection system (LPCI) under certain restrictive conditions. The subject change would provide a clarification of system operability that would result in additional flexibility in operations during hot shutdown conditions.

Date of Issuance: March 30, 2001.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 199.

Facility Operating License No. DPR–28: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:***

January 24, 2001 (66 FR 7686).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 30, 2001.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland this 10th day of April 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–9320 Filed 4–17–01; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3332]

Commonwealth of Massachusetts

As a result of the President's major disaster declaration on April 10, 2001, I find that Essex, Middlesex and Norfolk Counties constitute a disaster area due to damages caused by flooding and severe storms beginning March 5, 2001 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on June 9, 2001, and for loans for economic injury until the close of business on January 9, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South 3rd Fl., Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Massachusetts may be filed until the specified date at the above location: Bristol, Plymouth, Suffolk and Worcester; and Hillsborough and Rockingham counties in the State of New Hampshire; and Providence county in the State of Rhode Island.

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 333206 and for economic injury the number is 9L4300. The number assigned for economic injury for New Hampshire is 9L4400 and for Rhode Island is 9L4500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 11, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–9599 Filed 4–17–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No.: 05/05–0228]

Mezzanine Capital Partners, Inc.; Notice of Surrender of License

Notice is hereby given that *Mezzanine Capital Partners, Inc., located at 150 South 5th Street, Suite 1720, Minneapolis, MN 55402*, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). *Mezzanine Capital Partners, Inc.* was

licensed by the Small Business Administration on *September 26, 1997.*

Under the authority vested by the Act and pursuant to the Regulations promulgate thereunder, the surrender of the license was accepted on April 11, 2001, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–9598 Filed 4–17–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974 as Amended; Computer Matching Program (SSA/Department of the Treasury, Bureau of Public Debt (BPD))—Match Number 1038

AGENCY: Social Security Administration (SSA).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with BPD.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966–2935 or writing to the Acting Associate Commissioner for Program Support, 2–Q–16 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Acting Associate Commissioner for Program Support as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: April 3, 2001.

Glenna Donnelly,

Acting Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) With the Department of the Treasury, Bureau of Public Debt (BPD)

A. Participating Agencies

SSA and BPD.

B. Purpose of the Matching Program

The purpose of this matching program is to establish conditions and procedures for BPD's disclosure of certain savings bond information useful to SSA in verifying eligibility and payment amounts of individuals under the Supplemental Security Income (SSI) program. The SSI program was created under title XVI of the Social Security Act (the Act) to provide benefits under the rules of that title to individuals with income and resources below levels established by law and regulations.

C. Authority for Conducting the Matching Program

Sections 1631(e)(1)(B) and (f) of the Act (42 U.S.C. 1383(e)(1)(B) and (f)).

D. Categories of Records and Individuals Covered by the Matching Program

SSA will provide BPD with a finder file extracted from SSA's Supplemental Security Income Record system of records, containing Social Security numbers of individuals who have applied for or receive SSI payments. This information will be matched with BPD files in BPD's savings bond registration system of records (United States savings-type securities) and a reply file of matched records will be furnished to SSA. Upon receipt of BPD's reply file, SSA will match identifying information from the BPD file with SSA's records to determine preliminarily whether the data pertain to the relevant SSI applicant or recipient before beginning the process of verifying bond ownership and taking any necessary benefit actions.

E. Inclusive Dates of the Matching Program

The matching program will become effective upon signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of this matching program is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 01–9577 Filed 4–17–01; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3647]

Culturally Significant Objects Imported for Exhibition Determinations: ''Science Under Sail: Russia's Great Voyages to America, 1728–1867''

AGENCY: United States Department of State.

ACTION: Notice; Change.

SUMMARY: On January 24, 2000, Notice was published on page 3751 of the **Federal Register** (Volume 65, Number 15) by the Department of State pursuant to Pub. L. 89–259 relating to the exhibit

''Science Under Sail: Russia's Great Voyages to America, 1728–1867.'' The referenced Notice is changed as follows. ''I also determine that the exhibition or display of the objects at the Anchorage Museum of History and Art, Anchorage, Alaska, from on or about May 4, 2000, to on or about mid-July 2001, and at the California Academy of Sciences, San Francisco, California, from on or about August 4, 2001, through on or about January 31, 2002, is in the national interest.''

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: April 11, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–9613 Filed 4–17–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending April 6, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–9322.
Date Filed: April 3, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–AFR 0109 dated 3 April 2001, Mail Vote 118—Resolution 010x, TC12 Mid Atlantic-Africa, Special Passenger Amending Resolution from Botswana, *Intended effective date:* 15 April 2001.

Docket Number: OST–2001–9323.
Date Filed: April 3, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC2 ME–AFR 0069 dated 27 March 2001, TC2 Middle East-Africa Resolutions r1–r16, Minutes—PTC2 ME–AFR 0068 dated 28 March 2001, Tables—PTC2 ME–AFR Fares 0043 dated 27 March 2001, *Intended effective date:* 1 May 2001.

Docket Number: OST–2001–9338.
Date Filed: April 4, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC3 0491 dated 6 April 2001, Mail Vote 112—TC3 Special Passenger Amending Resolution between Vladivostok, Russia (Asia) and Osaka, Japan, *Intended effective date:* 1 May 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–9582 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings; Certification Applications

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending April 6, 2001. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *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–2001–9319.

Date Filed: April 2, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 23, 2001.

Description: Application of North American Airlines, Inc., pursuant to 49 U.S.C. Sections 41101(a) and 41102(a), Parts 201and 204, and Subpart B, requesting a new or amended Certificate of Public Convenience and Necessity for scheduled foreign air transportation of persons, property and mail from points behind the United States via the United States and intermediate points to a point or points in the Dominican Republic and beyond.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–9583 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance, Detroit City Airport, Detroit, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use and to authorize the lease of the airport property. The proposal consists of one parcel of land totaling approximately 23.00 acres for a truck parking and storage facility. Current use and present condition is vacant grassland. There are no impacts to the airport by allowing the airport to lease this property. The land was acquired under FAA Project Nos. AIP–3–26–0027–0888 and AIP–3–26–0027–1089. Approval does not constitute a commitment by the FAA to financially assist in the lease of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the lease of the airport property will be in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. This proposal is for approximately 23.00 acres in total.

In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose. The proposed land will be used for the development of a truck parking and storage facility, which will provide additional jobs in an economically challenged area and enhance the aesthetics of the surrounding community.

The proceeds from the lease of the land will be used for airport improvements and operational expenses at Detroit City Airport.

DATES: Comments must be received on or before May 18, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Arlene B. Draper, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–603, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7282. Documents

reflecting this FAA action may be reviewed at this same location or at Detroit City Airport, Detroit, Michigan.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in the City of Detroit, Wayne County, Michigan, and described as follows:

A parcel of land in the City of Detroit, Wayne County, Michigan, being part of Lots 2 through 7, both inclusive of Engel's Subdivision of a portion of Fractional Section 15, TIS, R12E, City of Detroit, Wayne County, Michigan, recorded in Liber 11, Page 73 of Plats, Wayne County Records, and vacated Molena Avenue, 30 feet wide, adjoining said lots. Also being a part of Lots 176 through 197, both inclusive of Bolton Subdivision of Lots 11, 12, 14 and 15 of Leander Rivard Farm, City of Detroit, part of the Fractional Section 15, TIS, R12E, Wayne County, Michigan, as recorded in Liber 37, Page 36 of Plats, Wayne County Records; part of Lots 13 of Leander Rivard Farm, City of Detroit, part of the Fractional Section 15, TIS, R12E, Wayne County, Michigan, as recorded in the Liber 39, Page 29 of Plats, and more particularly described as follows:

Commencing at the intersection of the Northerly line of Engel's Subdivision (Liber 11, Page 73) and Westerly line of French Road (86 feet wide); thence S63°4′25″W 988.12 feet along the Northerly line of said Engel's Subdivision to the Point of Beginning.

Thence S26°04′30″E 507.99 feet;

Thence along the Northerly line of Modola Avenue (50 feet wide) S63°38′30″W 1747.08 feet;

Thence N26°10′30″W 353.48 feet;

Thence N63°44′05″E 219.53 feet;

Thence N63°31′20″E 294.13 feet;

Thence N25°50′21″E 324.63 feet;

Thence N63°43′15″E 1128.43 feet;

Thence S30°22′15″E 168.80 feet along the Easterly line of Lot 176 of said Bolton Subdivision and the Southerly extension thereof;

Thence M63°54′25″E 91.62 feet along the North line of said Engel's Subdivision to the point of beginning, containing 22.974 acres of land, more or less, subject to easements and restrictions of record, if any.

Issued in Belleville, Michigan, March 14, 2001.

Irene R. Porter,

Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 01–8194 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD1–01–019]

Environmental Assessment and Finding of No Significant Impact for Establishment of U.S. Coast Guard Station (Small) Kings Point at the United States Merchant Marine Academy, Kings Point, New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The U.S. Coast Guard (USCG) announces the availability of the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) regarding the establishment of U.S. Coast Guard Station (Small) Kings Point at the United States Merchant Marine Academy, Kings Point, New York. This FEA evaluates the environmental and socioeconomic impacts of establishing the Coast Guard station along with the associated acquisition of property and building construction. It also includes comments received as a result of consultation with regulatory and other government agencies during development of the Environmental Assessment.

ADDRESSES: Written requests for copies of the Final Environmental Assessment and FONSI, or requests for information, should be directed to: Mr. Luke Dlhopolsky, U.S. Coast Guard Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 or by calling (401) 736–1743.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, the FEA or FONSI, or for general information on the U.S. Coast Guard's National Environmental Policy Act (NEPA) process, please contact Mr. Luke Dlhopolsky, U.S. Coast Guard Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 or by calling (401) 736–1743.

SUPPLEMENTARY INFORMATION: The U.S. Coast Guard Station at Fort Totten, New York was formally closed in 1997. In its place an Independent Maritime Response Vessel (IMARV) unit was established. The IMARV unit required little to no shore facility support since the assigned vessel was to serve as the unit operational equipment as well as provide berthing for the duty crew. This change allowed the Coast Guard to divert funding from maintenance of unneeded, aging shoreside structures at Station Fort Totten to more critical mission support. After a period of time that the IMARV was in operation from the pier at Fort Totten, it became apparent that the lack of work space and cramped quarters was making the IMARV concept untenable and it was formally discontinued in 1998. Since it was determined that Coast Guard presence in the IMARV and former Station Fort Totten area of responsibility (AOR) was important to the safety of navigation, the Coast Guard decided that a permanent shore station needed to be re-established in the area. The EA analyzes three plausible alternatives with regard to this determination. The No Action Alternative would provide no nearby Coast Guard coverage in AOR once the IMARV vessel was no longer in service and the personnel were transferred elsewhere. This alternative was found to be unacceptable in the interest of the safety of navigation in the service area. Re-establishment of a Station at Fort Totten would involve significant costs to demolish existing structures and rebuild a suitable station multimission building. In addition, the aged and deteriorated utility infrastructure at Fort Totten is in need of major repair and/or replacement. These factors caused the Coast Guard to seek a third alternative to re-establish a shore station in the AOR, but at another similarly central site. Waterfront access and sufficient space to construct a new station building of suitable size was determined to be available at the U.S. Merchant Marine Academy at Kings Point, a short distance from Fort Totten. The Final EA incorporates the results of comments received from state and federal agencies consulted during development of the Environmental Assessment.

The Final EA, FONSI and comments received during development of the EA are available for public inspection at the following locations:

USCG Civil Engineering Unit Providence, 300 Metro Center Boulevard, Warwick, Rhode Island 02886 (401) 736–1743.

First Coast Guard District Planning Staff, 408 Atlantic Avenue, Boston, Massachusetts 02110 (617) 223–8248.

Commandant (G–SEC), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593.

Dated: February 23, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–9536 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–29]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 8, 2001.

ADDRESSES: Send comments on any petition to the Docket Management system, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on April 12, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No.: FAA–2001–9337.
Petitioner: Embraer.
Regulations Affected: 14 CFR 25.785(b).
Description of Petition: To allow relief Embraer from performing certain injury criteria aspects of dynamic testing of multi-place side-facing seats on Model EMB–135BJ–Legacy airplanes.

Docket No.: FAA–2000–8579.
Petitioner: Astral Aviation, Inc. dba Skyway Airlines, The Midwest Express Connection.
Section of 14 CFR Affected: 14 CFR 91.205(b)(12).
Description of Relief Sought: To permit MEA to replace its required approved pyrotechnic signaling device on each aircraft with, for each crewmember on each aircraft operated under this proposed exemption, a personal flotation device that is equipped with an approved survivor locator light.

Docket No.: FAA–2001–9337.
Petitioner: Embraer.
Section of 14 CFR Affected: 14 CFR 25.785(b).
Description of Relief Sought: To allow Embraer relief from performing certain injury criteria aspects of dynamic testing of multi-place side-facing seats on Model EMB–135BJ-Legacy airplanes.

[FR Doc. 01–9534 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–30]

Petitions for Exemption, Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, DC, on March 16, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29893.
Petitioner: The Boeing Company.
Section of the 14 CFR Affected: 14 CFR § 25.335(e)(3).
Description of Relief Sought/Disposition: To allow Boeing (1) design flap speeds, V_F, to be calculated based on a power-on stall speed with the critical engine inoperative and the operative engines at the power setting appropriate for the flight condition, and (2) design flap speed, V_F, to be calculated using a multiplying factor of 1.6 (rather than 1.8) applied to the power-on stall speed, for the full flap configuration of the airplane only. *Grant, 03/27/2001, Exemption No. 7476*

Docket No.: FAA–2001–9032 (formerly Docket No. 28787).
Petitioner: Ameriflight, Inc.
Section of the 14 CFR Affected: 14 CFR §§ 61.3(a) and (c), 91.203(a) and (b), 121.153(a)(1) and 121.383(a)(2)
Description of Relief Sought/Disposition: To permit Ameriflight, Inc. to operate temporarily its airplanes under parts 121 and 135 without (1) those aircraft's airworthiness and registration certificates onboard (and properly displayed in the case of airworthiness certificates) while obtaining replacements, and (2) without the affected pilots having their pilot and medical certificates in their personal possession. *Grant, 03/30/2001, Exemption No. 7143A*

Docket No.: FAA–2000–8436 (formerly Docket No. 10633).
Petitioner: FAA Technical Center.
Section of the 14 CFR Affected: 14 CFR §§ 91.117(a), 91.119(c) 91.159(a), and 91.303(e)
Description of Relief Sought/Disposition: To permit the FAA Technical Center to conduct flight operations in support of its research and

development projects without meeting certain FAA Regulations governing aircraft speed, minimum safe altitudes, cruising altitudes for flights conducted under visual flight rules, and aerobatic flight. *Grant, 04/03/2001, Exemption No. 6883A*

[FR Doc. 01–9604 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held May 9, 2001 at 10 a.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Ave., SW., Room 1014, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gerri Robinson, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9678; fax (202) 267–5075; e-mail *Gerri.Robinson@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on May 9, 2001, at the Federal Aviation Administration, 800 Independence Ave., SW., Room 1014, Washington, DC 20590. The agenda will include:

- Status report Fuel Tank Inerting Working Group
- Status reports for Assistant Chairs

Attendance is open to the interested public but will be limited to the space available. The FAA will arrange teleconference capability for individuals wishing to participate by teleconference if we receive that notification by April 30, 2001. Arrangements to participate by teleconference can be made by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area will be responsible for paying long distance charges.

The public must make arrangements by April 30, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on April 12, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–9606 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In February 2001, there were nine applications approved. Additionally, 35 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Hall County Airport Authority, Grand Island, Nebraska.

Application Number: 00–02–C–00–GRI.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $578,060.

Earliest Charge Effective Date: May 1, 2001.

Estimated Charge Expiration Date: April 1, 2008.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Ramp project
Terminal renovation and addition
Runway/taxiway cable replacement
Rehabilitate, relocate and construct runway 13/31
New taxiway

Decision Date: February 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, Central Region Airports Division, (816) 329–2641.

Public Agency: Glynn County Airport Commission, Brunswick, Georgia.

Application Number: 00–01–C–00–BQK.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $517,141.

Earliest Charge Effective Date: May 1, 2001.

Estimated Charge Expiration Date: January 1, 2011.

Class of Air Carriers Not Required To Collect PFC's: Non-scheduled certificated air carriers filing DOT Form T–100.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Glynco Jetport (BQK).

Brief Description of Projects Approved for Collection at BQK and Use at BQK:

Airport master plan
Baggage claim area
Aircraft rescue and firefighting (ARFF) extension
Repaint runway markings
Taxiway fillets drainage rehabilitation
Construct ARFF maintenance facility
Terminal roadway improvements

Brief Description of Project Approved for Collection at BQK and Use at Malcolm McKinnon Airport: Airport master plan.

Brief Description of Project Approved for Collection at BQK for Future Use at BQK: Airline terminal renovation.

Decision Date: February 9, 2001.

FOR FURTHER INFORMATION CONTACT: Tracie Dominy, Atlanta Airports District Office, (404) 305–7148.

Public Agency: City of Philadelphia, Division of Aviation, Philadelphia, Pennsylvania.

Application Number: 01–09–C–00–PHL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $22,250,000.

Earliest Charge Effective Date: July 1, 2007.

Estimated Charge Expiration Date: March 1, 2008.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Philadelphia International Airport.

Brief Description of Projects Approved for Collection and Use

Firefighting training facility
Terminal D expansion
Moving sidewalks between terminals C and D

Decision Date: February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Roxane Wren, Harrisburg Airports District Office, (717) 730–2830.

Public Agency: Metropolitan Nashville Airport Authority, Nashville, Tennessee.

Application Number: 01–08–C–00–BNA.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $3,727,000.

Earliest Charge Effective Date: June 1, 2002.

Estimated Charge Expiration Date: September 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: Air taxi.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Nashville International Airport.

Brief Description of Projects Approved for Collection and Use:

Design fee—terminal access roadway
Baggage information display system
Airfield pavement rehabilitation
Terminal apron reconstruction
Air cargo ramp expansion
Radio communication system
Airport master plan
Update noise exposure maps

Brief Description of Project Withdrawn: Taxiway connector.

Determination: This project was withdrawn by the public agency in its letter dated October 6, 2000. Therefore, the FAA will not rule on this project in this decision.

Decision Date: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Cynthia K. Wills, Memphis Airports District Office, (901) 544–3495, extension 16.

Public Agency: City of Killeen, Texas.

Application Number: 01–05–C–00–ILE.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $30,000.

Earliest Charge Effective Date: April 1, 2005.

Estimated Charge Expiration Date: May 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: Part 135 air taxi/commercial operators (charter operators).

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Killeen Municipal Airport (ILE).

Brief Description of Project Approved for Collection at ILE and Use at Robert Gray Army Airfield (GRK): Acquire terminal site land.

Brief Description of Project Approved for Use at GRK:

Terminal facility site work and utilities
Passenger terminal building and apron
Construct east side parallel and connecting taxiways to runway 15/33 at GRK

Brief Description of Project Withdrawn: Runway safety improvements at ILE.

Determination: This project was withdrawn by the public agency in its letter dated January 26, 2001. Therefore, the FAA will not rule on this project in this decision.

Decision Date: February 23, 2001.

FOR FURTHER INFORMATION CONTACT: G. Thomas Wade, Southwest Region Airports Division, (817) 222–5613.

Public Agency: County of Dickinson, Iron Mountain, Michigan.

Application Number: 01–04–C–00–IMT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $73,815.

Earliest Charge Effective Date: March 1, 2001.

Estimated Charge Expiration Date: December 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Project Approved for Collection and Use: Rehabilitate runway 01/19 and runway 31.

Brief Description of Project Approved for Collection: Rehabilitate runway 13, correct line of sight, construct runway 13 safety area.

Decision Date: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Jon Gilbert, Detroit Airports District Office, (734) 487–7281.

Public Agency: Brainerd-Crow Wing County Regional Airport Commission, Brainerd, Minnesota.

Application Number: 01–03–C–00–BRD.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $488,231.

Earliest Charge Effective Date: July 1, 2001.

Estimated Charge Expiration Date: July 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Brainerd-Crow Wing County Regional Airport.

Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:

Airport layout plan update.
Phase II archeological study.
Acquire snowblower.
Design and install runway 5 medium intensity approach lighting system.
Clearing/grubbing and obstruction removal.
Install deer fencing.
Master plan update/benefit cost analysis.
Acquire ARFF replacement vehicle.
Runway 5/23 friction improvements.
Southwest development area.
Terminal road repair and reconstruction.
Acquire 1-ton utility truck and plow.
Acquire end loader and ramp plow.
PFC application preparation.

Brief Description of Project Approved for Collection and Use at a $3.00 PFC Level: Sealcoat general aviation apron.

Decision Date: February 26, 2001.

FOR FURTHER INFORMATION CONTACT: Gordon Nelson, Minneapolis Airports District Office, (612) 713–4358.

Public Agency: State of Connecticut, Department of Transportation, Bureau of Aviation and Ports, Windsor Locks, Connecticut.

Application Number: 01–12–C–00–BRD.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $231,947,428.

Earliest Charge Effective Date: May 1, 2001.

Estimated Charge Expiration Date: March 1, 2015.

Class of Air Carriers Not Required To Collect PFC's: On-demand air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Bradley International Airport.

Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:

Terminal building and concourse construction and reconstruction.

Purchase and install jetways.

Brief Description of Project Approved for Collection and Use at a $3.00 PFC Level: Construction of terminal roadways, glycol pipine and associated utilities.

Decision Date: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Priscilla Scott, New England Region Airports Division, (781) 238–7614.

Public Agency: Broward County Aviation Department. Fort Lauderdale, Florida.

Application Number: 01–03–C–00–FLL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $27,841,586.

Earliest Charge Effective Date: November 1, 2007.

Estimated Charge Expiration Date: March 1, 2009.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Fort Lauderdale-Hollywood International Airport.

Brief Description of Projects Approved for Collection and Use:

Concourse B—terminal.

Concourse B—apron.

Decision Date: February 27, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer Ganley, Orlando Airports District Office, (407) 812–6331, extension 25.

AMENDMENTS TO PFC APPROVALS

Amendment No. City, State	Amendment approved Date	Original approved net PFC Revenue	Amended approved net PFC Revenue	Original estimated charge Exp. Date	Amended estimated charge Exp. Date
92–01–I–05–CHO, Charlottesville, VA	02/23/01	$298,609	$230,657	11/01/93	08/01/93
92–01–I–06–CHO, Charlottesville, VA	01/24/01	230,657	240,681	08/01/93	08/01/93
92–01–I–07–CHO, Charlottesville, VA	01/25/01	240,681	160,681	08/01/93	08/01/93
92–02–U–01–CHO, Charlottesville, VA	01/25/01	NA	NA	08/01/93	08/01/93
93–03–U–01–CHO, Charlottesville, VA	01/26/01	NA	NA	08/01/93	08/01/93
94–05–I–04–CHO, Charlottesville, VA	01/29/01	1,567,862	1,513,512	04/01/98	07/01/98
94–05–I–05–CHO, Charlottesville, VA	01/29/01	1,513,512	1,519,479	07/01/98	07/01/98
95–06–U–02–CHO, Charlottesville, VA	01/29/01	NA	NA	07/01/98	07/01/98
96–09–U–01–CHO, Charlottesville, VA	01/29/01	NA	NA	07/01/98	07/01/98
92–01–C–01–GTR*, Columbus, MS	01/30/01	1,693,211	1,693,211	09/01/06	01/01/04
99–02–C–01–APF, Naples, FL	02/01/01	250,000	186,606	02/01/01	02/01/01
99–12–C–01–CHO, Charlottesville, VA	02/01/01	160,000	181,069	12/01/04	10/01/04
98–02–C–02–MLB, Melbourne, FL	02/02/01	614,362	666,602	07/01/99	08/01/99
92–01–C–04–PNS, Pensacola, FL	02/09/01	8,270,500	8,585,500	04/01/98	06/01/98
95–03–C–02–PNS, Pensacola, FL	02/09/01	1,860,000	1,860,000	06/01/99	08/01/99
95–02–C–05–BGM, Binghamton, NY	02/09/01	1,021,843	1,063,924	04/01/06	04/01/06
99–04–C–02–BGM, Binghamton, NY	02/09/01	1,567,748	1,567,748	04/01/06	04/01/06
97–03–C–03–SGF*, Springfield, MO	02/12/01	6,370,614	6,370,614	07/01/05	01/01/04
94–02–C–02–BRD, Brainerd, MN	02/13/01	266,345	266,345	07/01/01	07/01/01
94–01–C–02–BTM, Butte, MT	02/13/01	600,326	716,407	04/01/01	08/01/04
97–03–C–01–TOL, Toledo, OH	02/13/01	6,750,400	5,500,400	11/01/04	08/01/04
94–01–I–02–LWS*, Lewiston, ID	02/14/01	2,509,907	2,509,907	03/01/11	10/01/06
95–02–U–02–LWS*, Lewiston, ID	02/14/01	NA	NA	03/01/11	10/01/06
99–03–C–01–MAF, Midland, TX	02/14/01	2,250,000	0	01/01/18	07/01/16
99–05–C–02–CVG, Covington, KY	02/15/01	14,325,000	19,225,000	08/01/00	11/01/01
96–04–C–01–ESC, Escanaba, MI	02/15/01	15,870	15,177	10/01/00	10/01/00
93–01–C–03–DCA*, Arlington, VA	02/16/01	169,423,353	169,423,353	05/01/02	02/01/02
94–02–U–02–DCA*, Arlington, VA	02/16/01	NA	NA	05/01/02	02/01/02
98–03–C–02–DCA*, Arlington, VA	02/16/01	46,823,287	46,823,287	10/01/05	09/01/03
98–04–C–01–DCA*, Arlington, VA	02/20/01	73,203,813	73,203,813	10/01/09	03/01/06
94–01–C–04–PIH*, Pocatello, ID	02/21/01	814,719	814,719	12/01/01	10/01/01
97–02–U–03–PIH*, Pocatello, ID	02/21/01	NA	NA	12/01/01	10/01/01
93–01–C–04–IDA*, Chantilly, VA	02/21/01	225,967,396	225,967,396	02/01/04	05/01/03
98–02–C–03–IAD*, Chantilly, VA	02/21/01	52,324,581	52,324,581	04/01/11	05/01/05
99–04–C–01–ILE*, Killeen, TX	02/23/01	2,103,726	2,103,726	07/01/05	07/01/03

(NOTE: The amendments denoted by an asterisk (*) include a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For Columbus, MS, this change is effective on April 1, 2001. For Lewiston, ID, Pocatello, ID, Killeen, TX, Arlington, VA (Washington National), and Chantilly, VA (Washington Dulles), this change is effective on May 1, 2001.

Issued in Washington, DC on April 12, 2001.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 01–9605 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–03–C–00–PIH To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Pocatello Regional Airport, Submitted by the City of Pocatello, Pocatello Regional Airport, Pocatello, ID

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 PFC revenue at Pocatello Regional Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before May 18, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. J. Wade Bryant, Manager; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., Suite 250, Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Len Nelson, Airport Manager, at the following address: P.O. Box 4169, Pocatello, ID 83205.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Pocatello Regional Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Lee-Pang, (425) 227–2654, Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., Suite 250, Renton, Washington 98055–4056. 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 01–03–C–00–PIH to impose and use PFC revenue at Pocatello Regional Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On April 5, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Pocatello, Pocatello Regional Airport, Pocatello, Idaho 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 July 5, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: September 1, 2001.

Proposed charge expiration date: January 1, 2005.

Total requested for use approval: $549,967.

Brief description of proposed project: Security Fencing and Automated Security Gates; Snow Removal Equipment Procurement; Rehabilitation of Apron; Airport Signing Project; Terminal Apron Rehabilitation; Aircraft Rescue and Fire Fighting Vehicle; Master Plan; Procurement of Snow Removal Equipment; Main Entrance Road Rehabilitation; Installation of Precision Approach Path Indicators and Runway End Indicator Lights; Apron Rehabilitation; Snow Equipment Storage/Maintenance Building.

Class or classes of air carriers, which the public agency has requested not be required to collect PFC's: Nonscheduled air taxi/commercial operators, utilizing aircraft having a seating capacity of less than 20 passengers.

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 Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 315, Renton, VA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pocatello Regional Airport.

Issued in Renton, Washington on April 5, 2001.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 01–9533 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Intelligent Transportation Systems (ITS) Architecture; New User Service

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The purpose of this document is to announce that FHWA will begin the incorporation of a new user service, Maintenance and Construction Operations (MCO), into the National ITS Architecture. The need for the MCO User Service was identified by stakeholders of the rural ITS deployment community so that more comprehensive rural regional ITS architectures could be developed. This user service was developed, with stakeholder participation, through development workshops in April 1999 and June 2000 and at a presentation session at the Rural Advanced Transportation Technology Systems (RATTS) conference in August 2000.

FOR FURTHER INFORMATION CONTACT: *For information on National ITS Architecture Development:* Mr. Lee Simmons, (202) 366–8048, ITS Joint Program Office (HOIT–1). *For information on the Maintenance and Construction Operations User Service:* Mr. James Pol, (202) 366–4374, ITS Joint Program Office (HOIT–1), Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1). *For Legal Questions:* Ms. Gloria Hardiman-Tobin, (202) 366–1397, Office of the Chief Counsel (HCC–40). Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document 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 web site at: *http://www.access.gpo.gov/nara.*

An electronic copy of the Maintenance and Construction Operations User Service can be retrieved from the ITS web site: *http://www.its.dot.gov.*

Background

The Maintenance and Construction Operations (MCO) User Service describes the need for effectively integrating ITS maintenance and construction services with other ITS services. Generally, key MCO services include monitoring, operating, maintaining, improving, and managing the physical condition of the roadway, associated infrastructure equipment on the roadway, and the available resources necessary to conduct these activities. The functional areas addressed in the Maintenance and Construction Operations User Service are those that involve ITS technologies, integration with other transportation systems that are represented in the National ITS Architecture, and those that will benefit surface transportation efficiency and safety.

The MCO User Service requires ITS-related systems and processes to have the capability to monitor, analyze, and disseminate roadway conditions data for operational, maintenance, and managerial uses. It prescribes the need to coordinate and integrate MCO activities within diverse organizations in order to reduce costs, maintain or improve the efficiency and effectiveness of these activities, and increase the level of reusability of systems and technologies. In spite of its rural origin, the MCO User Service is applicable to urban, interurban, and rural environments.

The focus for the MCO User Service will be on the following four functional areas: *1. Maintenance Vehicle Fleet Management:* Systems that monitor/track vehicle location, support enhanced routing, scheduling, and dispatching functions, and use on-board diagnostic systems to assist in vehicle operations and maintenance activities. An example would be snow removal equipment dispatch and monitoring systems.

2. Roadway Management: Systems that provide automated monitoring of traffic, road surface, and weather conditions (from both roadside components and vehicles), contain coordinated dispatching, perform hazardous road conditions remediation, and have the ability to alert public operating agencies of changes in these conditions.

3. Work Zone Management and Safety: Systems that ensure safe roadway operations during construction and other work zone activities and communicate with the traveler.

4. Roadway Maintenance Conditions and Work Plan Dissemination: Systems that disseminate/coordinate MCO work plans to affected personnel/staff within/between public agencies and private sector firms.

Stakeholder Participation

Interested parties are invited to participate in the incorporation of the Maintenance and Construction Operations User Service into the National ITS Architecture. A one day workshop to kick off the new user service effort to incorporate changes into the National ITS Architecture will be scheduled in the near future. If you are interested in participating with us in this effort please contact Mr. James Pol (202) 366–4374, ITS Joint Program Office (HOIT–1), or Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1).

Authority: 23 U.S.C. 101, 106, 109, 133, 315, and 508; sec 5206(e), Pub. L. 105–178, 112 Stat. 457 (23 U.S.C. 502 note); and 49 CFR 1.48.

Issued on: April 11, 2001.

Vincent F. Schimmoller,

Deputy Executive Director.

[FR Doc. 01–9539 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Granted Buy America Waiver

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of granted Buy America Waiver.

SUMMARY: This waiver allows construction contractors to use Omer heavy-duty parallelogram lifts in vehicle garages without violating the Buy America regulations. It is predicated on the grounds that sufficient competition among suppliers is in the public interest and was granted on February 14, 2001, for the period of two years, or until such time as a second domestic source for the lift becomes available, whichever occurs first. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market.

FOR FURTHER INFORMATION PLEASE CONTACT: Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366–4011 (telephone) or (202) 366–3809 (fax).

SUPPLEMENTARY INFORMATION: The above-referenced waiver follows:

February 14, 2001.

H. Dean Bouland, Esq.,

Bouland & Brush, LLC, 201 North Charles Street, Suite 2400, Baltimore, Maryland 21201–4105.

Dear Mr. Bouland: This letter responds to the request of your client, Steril-Koni, U.S.A., Inc., for a two-year public interest component waiver from the Buy America regulations for the Omer heavy-duty parallelogram bus lift, which your client currently distributes in the U.S. According to the information you have provided, Steril-Koni supplies these lifts to vehicle garage manufacturers as part of an overall construction contract. Steril-Koni requests this waiver on the grounds that there are only two suppliers marketing such lifts in the U.S. and that sufficient competition of suppliers is in the public interest. For the reasons below, I have determined that a temporary component waiver is in the public interest.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. 5323(j). However, section 5323(j)(2)(A) states that those requirements shall not apply if doing so would be inconsistent with the public interest. *See also,* 49 CFR 661.7(b). The implementing regulation allows a bidder or supplier to request a public interest waiver ''for a specific item or material that is used in the production of a manufactured product.'' 49 CFR 661.7(g) and 661.9(d). FTA's rule looks at the end product being acquired in a given case. Where the procurement contract is for a garage or maintenance facility, the vehicle lift to be installed in the garage would be a component of that construction contract. See 43 FR 57146 (1978), 46 FR 5809 (1981), 56 FR 928 (1991), and FTA Best Practices Procurement Manual, section 8.1.4 (1/98).

Your client explains that while there are many vehicle lifts on the market, the heavy-duty parallelogram lift has unique features and is not widely produced. Such a lift has a capacity of at least 20,000 lb., as well as an open floor design allowing maximum accessibility to the vehicle from the front, back, and sides. Your client has provided documentation from the Automotive Lift Institute that indicates there are only two suppliers marketing heavy-duty parallelogram bus lifts in the U.S., Steril-Koni and Rotary. Rotary is a U.S. manufacturer and Steril-Koni imports the product from Italy and assembles it in Baltimore, Maryland, using a U.S. labor force. Steril-Koni states that because of this manufacturing process general contractors wishing to purchase its lifts for use in vehicle garages may not do so unless they certify non-compliance with Buy America. Therefore, in order to certify compliance, Steril-Koni believes most contractors are inclined to purchase the lifts from Rotary. Steril-Koni asserts that this situation gives Rotary a monopoly in the U.S. market, and that such a monopoly will have the effect of increasing the price of the lifts, which would not be in the public interest. To support your client's position, you note that, in 1984, FTA granted a public interest waiver to Chrysler Corporation for 15 passenger vans. The vans were produced by only Chrysler and Ford Motor Company, and FTA grantees using

federal funds were forced to purchase the vans from Ford, the only party able to certify compliance with Buy America. FTA determined that it was in the public interest to have competition in the market place and granted the waiver. 49 FR 13944 (1984).

FTA has reviewed the U.S. market for heavy-duty parallelogram lifts and has found that there are only two suppliers active in the U.S. market, of which only one can certify compliance with Buy America. In this circumstance, FTA concludes that the grounds for a public interest component waiver exist. Pursuant to the provisions of 49 U.S.C. 5323(j)(2)(A), a waiver is hereby granted for the foreign manufacture of the Omer heavy-duty parallelogram lifts for the period of two years, or until such time as a second domestic source for this type of lift becomes available, whichever occurs first. In order to insure that the public is aware of this waiver, particularly potential manufacturers, it will be published in the **Federal Register**.

If you have any questions, please contact Meghan G. Ludtke at (202) 366–4011.

Very truly yours,

Gregory B. McBride,
Deputy Chief Counsel.

Issued on April 12, 2001.

Hiram J. Walker,
Acting Deputy Administrator.

[FR Doc. 01–9530 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Marine Transportation System National Advisory Council

ACTION: National Advisory Council public meeting.

SUMMARY: The Maritime Administration announces that the Marine Transportation System National Advisory Council (MTSNAC) will hold a meeting to discuss ongoing action items, MTS Team endeavors, MTS priorities and visions, and other issues. A public comment period is scheduled for 11:00 AM to 12:00 PM on Friday, May 4, 2001. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact Raymond Barberesi by April 30, 2001. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting. Additional written comments are welcome and must be filed by May 11, 2001. Send comments to the attention of Mr. Raymond Barberesi, Director, Office of Ports and Domestic Shipping, U.S. Maritime Administration, 400 7th Street, SW, Room 7201, Washington, DC 20590.

DATES: The meeting will be held on Thursday, May 3, 2001, from 1 p.m. to 5 p.m. and Friday, May 4, 2001, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the U.S. Merchant Marine Academy, Kings Point, NY 10024.

FOR FURTHER INFORMATION CONTACT: Raymond Barberesi, (202) 366–4357; Maritime Administration, MAR 830, Room 7201, 400 Seventh St., SW, Washington, DC 20590; *Raymond.Barberesi@marad.dot.gov.*

(Authority: 5 U.S.C. App 2, Sec. 9(a)(2); 41 CFR 101–6. 1005; DOT Order 1120.3B)

Dated: April 12, 2001.

Joel C. Richard,
Secretary, Maritime Administration.

[FR Doc. 01–9537 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–8827; Notice 2]

Dan Hill & Associates, Inc.; Red River Manufacturing, Inc.; Grant of Applications for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the applications by Dan Hill & Associates, Inc. (''Dan Hill'') of Norman, Oklahoma, and by Red River Manufacturing (''Red River'') of West Fargo, North Dakota, for a temporary exemption from Motor Vehicle Safety Standard No. 224, *Rear Impact Protection.* Both petitioners assert that compliance would cause substantial economic hardship to manufacturers that have tried in good faith to comply with the standard.

Notice of receipt of Dan Hill's petition was published in the **Federal Register** on February 13, 2001, and an opportunity afforded for comment (66 FR 10050). Twenty-two comments were received, 21 of which supported the petition. As we explain more fully below, we view the issues and arguments by Red River as equivalent to those of Dan Hill and the comments as equally pertinent, and we are proceeding to a decision on Red River without issuing a separate comment notice.

Dan Hill and Red River have been the beneficiaries of temporary exemptions from Standard No. 224, and renewals of exemptions, from January 26, 1998 to February 1, 2001. (For **Federal Register** notices granting the petitions by Dan Hill, see 63 FR 3784 and 64 FR 49047; by Red River, see 63 FR 15909 and 64 FR 49049). The information below is based on material from the petitioners' original and renewal applications of 1998 and 1999, and their most recent applications.

Why the Petitioners Say That They Continue To Need an Exemption.

Dan Hill and Red River manufacture and sell horizontal discharge trailers that are used in the road construction industry to deliver asphalt and other road building materials to construction sites (''the trailers''). The trailers are designed to connect with and latch onto various paving machines (''pavers''). With their hydraulically controlled horizontal discharge systems, the trailers discharge hot mix asphalt at a controlled rate into pavers which overlay the road surface with asphalt material.

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including the trailers, be fitted with a rear impact guard that conforms to Standard No. 223, *Rear impact guards.* Both petitioners have argued that installation of a fixed rear impact guard will prevent the trailers from connecting to the paver. Thus, the trailers will no longer be functional. Paving contractors will be forced to use standard dump body trucks or trailers which, according to Dan Hill, have inherent limitations and safety risks. In spite of exemptions totaling three years, each petitioner avers that it has been unable to develop a movable rear guard that will enable its trailers to conform and needs more time in which to do so. Dan Hill has asked for a one-year exemption and Red River, a two-year exemption. We discuss below their efforts to conform in greater detail.

The Petitioners' Reasons Why They Believe That Compliance Would Cause Them Substantial Economic Hardship and That They Have Tried in Good Faith To Comply With Standard No. 224.

Dan Hill. Dan Hill is a small volume manufacturer. Its total production in the 12-month period preceding its latest petition was 151 units. In the absence of a further exemption, Dan Hill asserts that approximately 70 percent of its work force would have to be laid off. If the exemption were not granted, Dan Hill's gross sales would decrease by $8,313,337 in 2001. Its cumulative net income after taxes for the fiscal years 1998, 1999, and 2000 was $454,556, but net income has declined in 2000 and

1999 from the year before. It projects a net loss of $291,947 for fiscal year 2001.

The **Federal Register** notices cited above contain Dan Hill's arguments of its previous good faith efforts to conform with Standard No. 224 and form the basis of our previous grants of Dan Hill's petitions. Dan Hill originally asked for a year's exemption in order to explore the feasibility of a rear impact guard that would allow the Flow Boy trailer to connect to a conventional paver. It concentrated its efforts between 1998 and 1999 in investigating the feasibility of a retractable rear impact guard, which would enable Flow Boys to continue to connect to pavers. The company has examined the various alternatives: installation of a fixed rear impact guard, redesign of pavers, installation of a removable rear impact guard, installation of a retractable rear impact guard, and installation of a ''swing-up'' style tailgate with an attached bumper. Its latest efforts to conform, from September 1999 until December 2000, involve the design of a swing-in retractable rear impact guard. A review of its design, by Tech, Inc., shows that this, too, is not feasible. Among other things, Tech, Inc., is concerned that ''the tailgate, hinges, and air cylinders will not meet the criteria of the Standard 224-plasticity requirement,'' and that ''the bumper is a potential safety hazard'' because if the gate were raised and ''a flagman or a trailer stager is in between the paver and the bumper while the gate and bumper is rising, the bumper could cause serious injury or death.'' A copy of Tech Inc.''s report has been filed in the docket as part of Dan Hill's petition. The report also indicates that the costs associated with this design may be cost prohibitive ''when trying to win business in a highly competitive, yet narrow marketplace.''

Red River. Red River is also a small volume manufacturer. It produced a total of 376 trailers of in the 12-month period before February 2001 including 163 Live Bottoms. In the absence of a further exemption, Red River asserts that approximately 35 percent of its work force would have to be laid off. If the exemption is not granted, Red River's projected loss of sales would be $6,000,000 to $7,000,000 per year. Its cumulative net income for fiscal years 1998–2000 was $1,099,024. It projects a net income of $238,706 for 2001.

The **Federal Register** notices cited above contain Red River's arguments of its previous good faith efforts to conform with Standard No. 224 and form the basis of our previous grants of Red River's petitions. Its exemptions originally covered horizontal agriculture-discharge trailers as well, but the company has been able to develop a wheels-back configuration which removes the agriculture trailer from the applicability of the standard. Such a reconfiguration, however, is not feasible for the asphalt trailer ''because of variability in the clearances required by the many different kinds of pavers used in the road construction industry.''

Since its last exemption on September 9, 1999, Red River has tested a ''third generation'' prototype retractable underride guard on two Live Bottoms. Several shortcomings have become apparent. The most serious of these is asphalt buildup on the sliding members which affected maintenance. If the mechanism was not thoroughly cleaned on a regular basis, ''resistance to motion quickly overcame the available semi-tractor air pressure to retract the bumper. The driver would then be required to move to the rear of the trailer and agitate the bumper (usually by kicking it) to enable it to retract.'' As a result, the bumper was often left in the retracted position. The most serious shortcoming of the prototype ''was attributable to the nature of the 'flexible yet strong' bumper support structure.'' The bumpers are subject to contacts or collisions with unyielding structures, such as occurs when trailers are backed into pavers without their bumpers retracted. Contacts and collisions such as these, even though at low speeds, were damaging because space limitations forced Red River to design a system in which the bumper support structure would absorb the energy required by Standard No. 223. In a single season's use, such repeated instances of deflection rendered one of the bumpers virtually unusable. Efforts to strengthen the bumper continued during the winter of 2000–01. These efforts resulted in designs which failed the energy absorption requirements of Standard No. 223. Although Red River intends to continue its efforts to comply during the next two years, it informs us that it will also file a petition for rulemaking to amend Standard No. 224 to exclude horizontal asphalt-discharge trailers such as the Live Bottom and the Flow Boy.

The Petitioners' Reasons Why They Believe That a Temporary Exemption Would Be in the Public Interest and Consistent With Objectives of Motor Vehicle Safety

Dan Hill. Dan Hill believes that an exemption would be in the public interest and consistent with traffic safety objectives because, without an exemption, ''within a short time, production of the trailer will cease entirely. Jobs will be lost and a major employer in McClain County will be lost. This would mean a significant loss to many people in the state, including shareholders, lenders, employees, families, and other stakeholders.'' Dan Hill's production represents less than .05% of trailers manufactured. The amount of time actually spent on the road is limited because of the need to move the asphalt to the job site before it hardens. Nevertheless, Dan Hill has taken recent efforts to enhance the conspicuity of Flow Boy trailers by: 1. adding ''High intensity flashing safety lights; 2. Doubling the legally required amount of conspicuity taping at the rear of the trailer; 3. [adding] Safety signage; 4. [adding] Red clearance lights that normally emit light in twilight or night-time conditions; and 5. Installation of a rear under-ride protection assembly 28'' above the ground and 60'' in width.'' Finally, the location of the rear tires is such that the tires act as a buffer ''and reduce the likelihood of impact with the semi-trailer and the vehicle's windshield or interior of the vehicle significantly.''

Red River. Red River argues that an exemption will be in the public interest because its horizontal asphalt-discharge trailer is ''more commercially versatile'' than its chief rival, ''the steel end dump trailer, which is not generally subject to FMVSS Nos. 223 and 224.'' Its sloped trailer wall design ''prevents segregation of material in transport,'' and ''can be used safely where it would be hazardous or impractical to use end dump trailers, such as on uneven terrain or in places with low overhead clearances.''

The exemption is consistent with considerations of safety as well. The trailers spend a large portion of its operating time off the public roads. Further, ''typical hauls are short and have a minimal amount of highway time when compared with other trailers.'' Red River knows of no rear end collisions involving this type of trailer that has resulted in injuries.

The Comments Received Supported Dan Hill's Petition. We View Them as Equally Applicable to Red River's Petition

Twenty-two trade associations, companies, and individuals submitted comments by April 2, 2001, on Dan Hill's petition. Twenty-one of them supported granting the company another exemption from Standard No. 224. E. D. Etnyre & Co. of Oregon, Illinois, opposed it. The company states that it has

built horizontal discharge trailers with a combination of retractable guards, retractable

chutes, and wheels back configuration to meet the regulations. We have tested our guard to prove that it meets the energy absorption requirements. As Dan Hill asserts, the hydraulic, pneumatic mechanisms, with their controls and valving are certainly costly and heavy. The extra cost and weight have placed us at a competitive disadvantage. We have shown that it can be done. Whether it can be done at a reasonable cost is questionable.

E.D. Etnyre made a similar comment in opposition to Red River's 1999 application of renewal (64 FR 48049). Dan Hill supported Red River's application, and commented that E.D. Etnyre was a far larger company than it and Red River with ''considerably more resources to allocate to research and development.''

We have carefully reviewed this comment. NHTSA has no information on how Etnyre designed its retractable rear impact guard, nor the costs involved. However, we have found no indication in NHTSA's statutory hardship exemption authority that an application by one manufacturer for an exemption from a standard should be denied because a competitor is complying with that standard. In granting a hardship application, the statute requires only that we find that ''compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith'' (49 U.S.C. 30113(b)(3)(B)). Such a finding is necessarily dependent upon a weighing of the resources of an individual applicant against the efforts it has made to conform. As discussed below, we have concluded that each manufacturer has made a good faith attempt to conform to Standard No. 224.

Although 49 U.S.C. 30113(b)(2) requires NHTSA ''to publish notice of the application and provide an opportunity to comment,'' we are proceeding to a decision without publishing notice of the application. We believe that we have met the statutory requirement to provide an opportunity to comment in publishing the Dan Hill notice. Given that Red River's petition covers the same type of trailer as Dan Hill, that the company has had similar difficulties in achieving compliance with Standard No. 224, and that 22 members of the public commented on these issues in the past two months, we have concluded that no further arguments or relevant information would be forthcoming were we to publish a notice requesting comments on Red River's petition. We note, furthermore, that a timely decision on Red River's petition will reduce the hardship on a small volume manufacturer by allowing it to resume production several months earlier than if we had followed the process of a comment notice, comment period, and decision notice.

Our Findings and Decision

As the exemption petitions by Dan Hill and by Red River Manufacturing, Inc. demonstrate, small manufacturers of horizontal asphalt-discharge trailers continue to find it difficult to develop a retractable rear impact guard that complies with Standard No. 223, and to fit it to its trailers to comply with Standard No. 224. Dan Hill's yearly net income is substantially less than half a million dollars under the best of circumstances. Were the exemption denied, its estimated loss of gross sales exceeding $8,273,117 would appear to create a net loss of some magnitude. Red River's yearly net income is, on the average, also less than half a million dollars and its estimated loss of sales of up to $7,000,000, lacking an exemption, would be almost of the same magnitude. During the period that the final extensions of the previous exemptions were in effect, we believe that each applicant demonstrated a continuing good faith effort to meet Standard No. 224. Dan Hill has submitted a consultant's report detailing the problems involved in developing a compliant and acceptable retractable or swinging rear guard. Red River developed and field-tested a design that fell short of expectations and acceptability.

Given the fact that Dan Hill and Red River dominate the horizontal asphalt-discharge trailer market, and that both are experiencing the same difficulties in achieving compliance, it is in the public interest to maintain the existing level of competition between the two companies by affording equal treatment to both companies and granting them temporary exemptions of identical duration. We note, also, that the risk to safety is minimized to the extent that road construction trailers spend comparatively little of their operating life traveling on the highways.

Accordingly, for the reasons set forth above, we hereby find that compliance with Standard No. 224 would cause substantial economic hardship to Dan Hill and Red River, who have tried in good faith to comply with Standard No. 224, and that an exemption would be in the public interest and consistent with the objectives of traffic safety. We accordingly grant NHTSA Temporary Exemptions No. 2001–3 and NHTSA Temporary Exemption No. 2001–4 to, respectively, Dan Hill Associates for its Flow Boy horizontal asphalt-discharge trailers, and Red River Manufacturing for its Live Bottom horizontal asphalt-discharge trailers. The temporary exemptions are from Federal Motor Vehicle Safety Standard No. 224, *Rear Impact Protection*, and expire on April 1, 2003.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on April 13, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–9581 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning its extension of an information collection titled, ''Transfer Agent Registration and Amendment Form—Form TA–1.''

DATES: You should submit written comments by June 18, 2001.

ADDRESSES: You should direct all written comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0124, 250 E Street, SW., Washington, DC 20219. In addition, you may send comments by facsimile transmission to (202)874–4448, or by electronic mail to regs.comments@occ.treas.gov. You can inspect and photocopy the comments at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC. You can make an appointment to inspect the comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Jessie Dunaway or Camille Dixon, (202)874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Transfer Agent Registration and Amendment Form—Form TA–1.

OMB Number: 1557–0124.

Description: The OCC is requesting comment on its proposed extension, without change, of the information collection titled Transfer Agent Registration and Amendment Form—Form TA–1. Section 17A(c) of the Securities Exchange Act of 1934 (Act), as amended by the Securities Act Amendments of 1975, provides that all those authorized to transfer securities registered under section 12 of the Act (transfer agents) shall register by filing with the appropriate regulatory agency an application for registration in such form and containing such information and documents as such appropriate regulatory agency may prescribe to be necessary or appropriate in furtherance of the purposes of this section. Form TA–1 was developed by the OCC, Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve to satisfy this statutory requirement. National bank transfer agents use Form TA–1 to register or amend registration as transfer agents. The OCC uses the information to determine whether to allow, deny, accelerate, or postpone an application. An amendment to Form TA–1 must be filed with the OCC within sixty calendar days following the date on which any information reported on Form TA–1 becomes inaccurate, misleading or incomplete. The OCC also uses the data to more effectively schedule and plan transfer agent examinations. Amendments to Form TA–1 are used by the OCC to schedule and plan examinations. The Securities and Exchange Commission maintains complete files on the registration data of all transfer agents registered pursuant to the Act. It utilizes the data to identify transfer agents and to facilitate development of rules and standards applicable to all registered transfer agents.

Type of Review: Extension of OMB approval.

Affected Public: Businesses or other for-profit.

Number of Respondents: 50.

Total Annual Responses: 50.

Frequency of Response: On occasion.

Total Estimated Annual Burden: 25 burden hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2001.

Mark J. Tenhundfeld,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 01–9584 Filed 4–17–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 706

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 706, United States Estate (and Generation-Skipping Transfer) Tax Return.

DATES: Written comments should be received on or before June 18, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: United States Estate (and Generation-Skipping Transfer) Tax Return.

OMB Number: 1545–0015.

Form Number: 706.

Abstract: Form 706 is used by executors to report and compute the Federal estate tax imposed by Internal Revenue Code section 2001 and the Federal generation-skipping transfer (GST) tax imposed by Code section 2601. The IRS uses the information on the form to enforce the estate and GST tax provisions of the Code and to verify that the taxes have been properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 75,000.

Estimated Time Per Respondent: 22 hours, 59 minutes.

Estimated Total Annual Burden Hours: 1,724,175.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 10, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9523 Filed 4–17–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2001

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 2001 as required by section 45(d)(2)(A) (26 U.S.C. 45(d)(2)(A)).

SUMMARY: The 2001 inflation adjustment factor and reference prices are used in determining the availability of the renewable electricity production credit under section 45(a).

DATES: The 2001 inflation adjustment factor and reference prices apply to calendar year 2001 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources.

Inflation Adjustment Factor: The inflation adjustment factor for calendar year 2001 is 1.1641.

Reference Prices: The reference prices for calendar year 2001 are 2.57¢ per kilowatt hour for facilities producing electricity from wind and 0¢ per kilowatt hour for facilities producing electricity from closed-loop biomass and poultry waste.

Because the 2001 reference prices for electricity produced from wind, closed-loop biomass, and poultry waste energy resources do not exceed 8¢ multiplied by the inflation adjustment factor, the phaseout of the credit provided in section 45(b)(1) does not apply to electricity sold during calendar year 2001.

Credit Amount: As required by section 45(b)(2), the 1.5¢ amount in section 45(a)(1) is adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1¢, such amount is rounded to the nearest multiple of 0.1¢. Under the calculation required by section 45(b)(2), the renewable electricity production credit for calendar year 2001 under section 45(a) is 1.7¢ per kilowatt hour on the sale of electricity produced from wind, closed-loop biomass, and poultry waste energy resources.

FOR FURTHER INFORMATION CONTACT: David A. Selig, IRS, CC:PSI:5, 1111 Constitution Ave., NW., Washington, DC 20224, (202) 622–3040 (not a toll-free call).

Paul F. Kugler,

Associate Chief Counsel, (Passthroughs & Special Industries).

[FR Doc. 01–9629 Filed 4–17–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Pacific-Northwest Citizen Advocacy Panel; Meeting

ACTION: Notice.

SUMMARY: An open meeting of the Pacific-Northwest Citizen Advocacy Panel will be held in Portland, Oregon.

DATES: The meeting will be held Friday May 18, 2001 and Saturday May 19, 2001.

FOR FURTHER INFORMATION CONTACT: Judi L. Nicholas at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday May 18, 2001, 9:00 a.m. to 4:30 pm at the Edith Green/Wendall Wyatt Federal Building, located at 1220 SW Third Avenue, Room 611, Portland, OR 97204; and Saturday, May 19, 2001, 9:00 am to Noon at the World Forestry Center located at 433 SW Canyon RD., Portland, OR, 97221. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Judi L. Nicholas, CAP Office, 915 2nd Avenue, Room 442, Seattle, WA 98174. Due to limited conference space, notification of intent to attend the meeting must be made with Judi L. Nicholas. Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The Agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 11, 2001.

John J. Mannion,

Director, Program Planning and Quality.

[FR Doc. 01–9525 Filed 4–17–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Matching Program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer matching program matching Social Security Administration (SSA) records with VA pension and parents' dependency and indemnity compensation (DIC) records.

The purpose of the match is to compare income status as reported to VA with records maintained by SSA. VA plans to match records of beneficiaries who receive pension and DIC with the Master Beneficiary Record (MBR) and the Earnings Recording and Self-Employment Income System (MEF) maintained by SSA.

VA will use this information to update the master records of VA beneficiaries receiving income dependent benefits and to adjust VA benefit payments as prescribed by law. The matching program will enable VA to ensure accurate reporting of income.

Records To Be Matched

The VA records involved in the match are the VA system of records, Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22). The SSA records consist of the SSA Master beneficiary Record (MBR), SSA/OSR, 60–0090. In the absence of MBR data, SSA will attempt to verify the SSN in VA records using the SSA Earnings Recording and Self-Employment Income System (MEF), SSA/OSR, 60–0059.

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Public Law 100–503.

DATES: The match will start no sooner than 30 days after publication in the **Federal Register** and end not more than 18 months after the agreement is

properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs within three months of the ending date of the original match that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Mondays through Fridays, except holidays.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, (212), (202) 273–7218.

SUPPLEMENTARY INFORMATION: This information is required by Title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both Houses of Congress and OMB.

Approved: March 27, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 01–9644 Filed 4–17–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Amendment to System of Records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled ''Veterans, Fabricator and Employee Prosthetic Records—VA'' (33VA112) as set forth in the **Federal Register** 40 FR 38095 dated 8/26/75. VA is amending the system by revising the System Name and System Number, including Purpose, and revising the paragraphs for System Location, Categories of Individuals Covered by the System, Categories of Records of the System, Authority for Maintenance of the System, and Policies and Practices for Storing, Retrieving, Retaining, and Disposing of Records in the System, including Storage, Retrievability and Safeguards. These changes reflect a transition to a new electronic system. VA is republishing the system notice in its entirety.

DATES: Comments on the amendment of this system of records must be received no later than May 18, 2001. If no public comment is received, the amended system will become effective May 18, 2001.

ADDRESSES: Written comments concerning the proposed new system of records may be submitted to the Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Act Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (727) 320–1839.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to the system of records is to signify enhancements to this system to include additional capabilities for further management and clinical analyses. VHA is amending System Name and System Number from ''Veterans, Fabricator and Employee Prosthetic Records—VA'' (33VA112) to ''National Prosthetic Patient Database (NPPD)—VA'' (33VA113).

The Categories of Individuals Covered by the System has been amended to cover a broader group of VA employees and VA beneficiaries. The original system captured beneficiaries primarily in receipt of a prosthesis or orthosis, and now the system will capture patients in receipt of all prosthetic, orthotic, sensory aids, and rehabilitative and home medical equipment. The system also captures employees responsible for issuing the appliance or purchase order, i.e., purchasing agent, clerk, prosthetic representative, and not just the orthotist and/or prosthetist. The Categories of Records has been amended to reflect the information collected in NPPD. In moving toward an electronic system, more data will be kept in NPPD. The NPPD contains additional records that allow station, VISN, and national reports on cost, average cost, summary of all prosthetic activity, appliance usage, responsible purchasing agents, manufacturers utilized, unique social security numbers, Health Care Financing Administration Common Procedure Coding System (HCPCS) codes utilized, item-specific data for items furnished to veteran beneficiaries, data validation and standardization. The Authority to Maintain the System has been updated to reflect current statutes.

The records or information in this system will be used to furnish administrative and clinical statistical procurement and prescription information, including total cost and summary of activity, including equipment usage, data to the VA and other health care providers, both Federal and non-Federal, to aid in furthering the improvement of health care, research and education. The NPPD will generate data to provide ad-hoc reporting for clinical and management departments; provide insight into stations' purchasing practices and utilization of contracts; improve budget management; conduct reviews of prescribing practices/best practices; help to develop consistency in the way that service is provided; and help to establish consistent policies and procedures.

Storage has been updated to reflect compact disk usage and removal of magnetic tape. Retrievability of the records has been amended since information will be retrieved in NPPD by unique patient identification number, other than social security number. Safeguards have been amended to reflect current security policies. The System Manager has been amended to reflect the national office responsible for the records. The Notification Procedures and Record Access Procedures have been amended to correspond to the new system manager. The Record Source Categories have been amended to represent the sources of data for the NPPD.

The notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (61 FR 6428), February 20, 1996.

Approved: March 27, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

33VA113

SYSTEM NAME:

National Prosthetic Patient Database (NPPD)–VA.

SYSTEM LOCATION:

Records are maintained at Department of Veterans Affairs (VA) Medical Centers' databases. Extracts are maintained at the Austin Automation

Center (AAC), Austin, Texas, and Hines Information Service Center, Hines, Illinois. VA health care facility address locations are listed in VA Appendix I of the Biennial Privacy Act Issuances publication.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contracted fabricators of prosthetic and orthotic appliances; vendors and manufacturers of durable medical equipment and sensory-neural aids; medical supply companies; VA beneficiaries; and VA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

VA field facility ordering the orthotic device; Patient Identification Number; Health Care Financing Administration Common Procedure Coding System (HCPCS); item purchased/issued to patient; cost; quantity; type of issue (initial/replace/repair/spare); patient eligibility category (service-connected, prisoner of war, aid and attendance); responsible VA procurement officer or representative; order creation date; order close/delivery date; calculated processing days; transaction/purchase order number; type of form used to purchase item (VAF 2421, PC2421, VAF 2529, VAF 2914, etc.); and vendor/contractor name. All other patient information, i.e., name, address, telephone number, can be retrieved by prosthetic program officials in VA Headquarters by using the unique Patient Identification Number assigned to the patient in NPPD.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Section 527.

PURPOSE(S):

The records or information in this system will be used to furnish administrative and clinical statistical procurement and prescription information, including total cost and summary of activity, including equipment usage, data to the VA and other health care providers, both Federal and non-Federal, to aid in furthering the improvement of health care, research and education.

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

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred at VA's initiative, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. However, names and addresses of veterans and their dependents will be released only to Federal entities.

2. To furnish administrative and clinical statistical procurement and prescription information, including total cost and summary of activity, including equipment usage, data to VA and other health care providers, both Federal and non-Federal, to aid in furthering the improvement of health care, research and education.

3. To provide statistical and other information in response to legitimate and reasonable requests as approved by appropriate VA authorities.

4. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made to National Archives and Records Administration (NARA) and General Services Administration (GSA) in records management inspections conducted under authority of Title 44 United States Code.

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

STORAGE:

Compact and magnetic disk.

RETRIEVABILITY:

Indexed by Patient Identification Number for VA prosthetic personnel.

SAFEGUARDS:

1. Access to VA working and storage areas is restricted to VA employees on a ''need to know'' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a ''need to know'' basis. Physical access to the AAC is generally restricted to AAC staff, VA Headquarters employees, custodial personnel, Federal Protective Service and authorized operational personnel through electronic locking devices. All other persons gaining access to the computer rooms are escorted.

2. Access to computer rooms at health care facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. ADP peripheral devices are placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Information in the Veterans Health Information System and Technology Architecture (VistA) may be accessed by authorized VA employees. Access to file information is controlled at two levels; the systems recognize authorized employees by a series of individually-unique passwords/codes as a part of each data message, and the employees are limited to only that information in the file which is needed in the performance of their official duties. Access to information stored on automated storage media at other VA locations is controlled by individually-unique passwords/codes.

RETENTION AND DISPOSAL:

Records are retained until special release by the Prosthetic and Sensory Aids Service Strategic Healthcare Group, VA Central Office, 810 Vermont Ave., NW, Washington, DC 20420.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Consultant, Prosthetic and Sensory Aids Service Strategic Healthcare Group (113), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the VA health care facility where they received the orthotic/prosthetic device/appliance/equipment. All inquiries must reasonably identify the records involved and the approximate date that medical care was provided. Inquiries should include the individual's full name, and identifying characteristics.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of a VA Prosthetic-related record may write, call, or visit the VA facility where medical care was provided.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

VistA (79VA19), Patient Medical Records (24VA136), and veterans' records.

[FR Doc. 01–9645 Filed 4–17–01; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 66, No. 75

Wednesday, April 18, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 150, 170 and 171

RIN 3150–AG73

Revision of Fee Schedules; Fee Recovery for FY 2001

Correction

In proposed rule document 01–7356 beginning on page 16982 in the issue of Wednesday, March 28, 2001, make the following corrections:

1. On page 16984, in the table, in the second column, the heading ''Reactor materials'' should read ''Reactor program''.

§171.16 [Corrected]

2. On page 16999, in the table, in the first column, in the first line, ''Endangered'' should read ''Engaged''.

Appendix A to Parts 170 to 171 [Corrected]

3. On page 17004, in the second column, the heading ''IV. 40 Summary '' should read ''IV. Summary''.

4. On page 17005, at the end of the third column, add the following text and the FRDOC line:

''licensee qualifies, resulting in a fee of either $1150 or $250 for each fee category billed, instead of the small entity annual fee of $2,300 or $500.

A new small entity form (NRC Form 526) must be filed with the NRC each fiscal year to qualify for reduced fees in that year. Because a licensee's ''size,'' or the size standards, may change from year to year, the invoice reflects the full fee and a new Form 526 must be completed and returned in order for the fee to be reduced to the small entity fee amount. LICENSEES WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT. The completed NRC Form 526, the payment of the appropriate small entity fee, and the ''Payment Copy'' of the invoice should be mailed to the U. S. Nuclear Regulatory Commission, License Fee and Accounts Receivable Branch at the address indicated on the invoice.

If you have questions regarding the NRC's annual fees, please call the license fee staff at 301-415-7554, e-mail the fee staff at fees@nrc.gov, or write to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq*. NRC's implementing regulations are found at 10 CFR Part 13.

[FR Doc. 01–7356 Filed 3–27–01; 8:45 am]

BILLING CODE 7590–01–U ''

[FR Doc. C1–7356 Filed 4–17–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
April 18, 2001

Part II

Department of Justice

Drug Enforcement Agency

Denial of Petition; Notice

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Notice of Denial of Petition

By letter dated March 20, 2001, the Drug Enforcement Administration (DEA) denied a petition to initiate rulemaking proceedings to reschedule marijuana. Because DEA believes that this matter is of particular interest to members of the public, the agency is publishing below the letter sent to the petitioner (denying the petition), along with the supporting documentation that was attached to the letter.

Dated: March 28, 2001.

Donnie R. Marshall,

Administrator.

U.S. Department of Justice,

Drug Enforcement Administration,
Washington, D.C. 20537

March 20, 2001.

Jon Gettman:

Dear Mr. Gettman: On July 10, 1995, you petitioned the Drug Enforcement Administration (DEA) to initiate rulemaking proceedings under the rescheduling provisions of the Controlled Substances Act (CSA). Specifically, you petitioned DEA to propose rules, pursuant to 21 U.S.C. 811(a), that would amend the schedules of controlled substances with respect to the following controlled substances: marijuana; tetrahydrocannabinols; dronabinol; and nabilone. Although you grouped these substances together in your petition, the scheduling analysis differs for each. To avoid confusion, DEA is providing you with a separate response for each of the controlled substances that you proposed be rescheduled. This letter responds to your petition to reschedule marijuana.

Summary

You requested that DEA remove marijuana from schedule I based on your assertion that ''there is no scientific evidence that [it has] sufficient abuse potential to warrant schedule I or II status under the [CSA].'' In accordance with the CSA rescheduling provisions, DEA gathered the necessary data and forwarded that information and your petition to the Department of Health and Human Services (HHS) for a scientific and medical evaluation and scheduling recommendation. HHS concluded that marijuana does have a high potential for abuse and therefore recommended that marijuana remain in schedule I. Based on the HHS evaluation and all other relevant data, DEA has concluded that there is no substantial evidence that marijuana should be removed from schedule I. Accordingly, your petition to initiate rulemaking proceedings to reschedule marijuana is hereby denied.

Detailed Explanation

A. Statutory Requirements and Procedural History

The CSA provides that the schedules of controlled substances established by Congress may be amended by the Attorney General in rulemaking proceedings prescribed by the Administrative Procedure Act. 21 U.S.C. 811(a). The Attorney General has delegated this authority to the Administrator of DEA. 28 CFR 0.100.

As you have done, any interested party may petition the Administrator to initiate rulemaking proceedings to reschedule a controlled substance. 21 U.S.C. 811(a); 21 CFR 1308.43(a). Before initiating such proceedings, the Administrator must gather the necessary data and request from the Secretary of HHS a scientific and medical evaluation and recommendation as to whether the controlled substance should be rescheduled as the petitioner proposes. 21 U.S.C. 811(b); 21 CFR 1308.43(d). The Secretary has delegated this function to the Assistant Secretary for Health.[1]

The recommendations of the Assistant Secretary are binding on the Administrator with respect to scientific and medical matters. Id. If the Administrator determines that the evaluations and recommendations of the Assistant Secretary and ''all other relevant data'' constitute substantial evidence that the drug that is the subject of the petition should be subject to lesser control or removed entirely from the schedules, he shall initiate rulemaking proceedings to reschedule the drug or remove it from the schedules as the evidence dictates. 21 U.S.C. 811(b); 21 CFR 1308.43(e). In making such a determination, the Administrator must consider eight factors:

(1) The drug's actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effect, if known;

(3) The state of current scientific knowledge regarding the drug;

(4) Its history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) The drug's psychic or physiological dependence liability; and

(8) Whether the drug is an immediate precursor of a substance already controlled under the CSA.

21 USC 811(c).

In this case, you submitted your petition by letter dated March 10, 1995. After gathering the necessary data, DEA referred the petition to HHS on December 17, 1997, and requested from HHS a scientific and medical evaluation and scheduling recommendation. HHS forwarded its scientific and medical evaluation and scheduling recommendation to DEA on January 17, 2001.

B. HHS Scientific and Medical Evaluation and Other Relevant Data Considered by DEA

Attached to this letter is the scientific and medical evaluation and scheduling recommendation that HHS submitted to DEA.[2] Also attached is a document prepared by DEA that specifies other data relevant to your petition that DEA considered.

C. Basis for Denial of Your Petition: The Evidence Demonstrates That Marijuana Does Have A High Potential For Abuse

Your petition rests on your contention that marijuana does not have a ''high potential for abuse'' commensurate with schedule I or II of the CSA. The Assistant Secretary has concluded, based on current scientific and medical evidence, that marijuana does have a high potential for abuse commensurate with schedule I. The additional data gathered by DEA likewise reveals that marijuana has a high potential for abuse. Indeed, when the HHS evaluation is viewed in combination with the additional data gathered by DEA, the evidence overwhelmingly leads to the conclusion that marijuana has a high potential for abuse.

Accordingly, there is no statutory basis for DEA to grant your petition to initiate rulemaking proceedings to reschedule marijuana. For this reason alone, your petition must be denied.

D. A Schedule I Drug With a High Potential For Abuse and No Currently Accepted Medical Use or Safety for Use Must Remain Classified In Schedule I

DEA's denial of your petition is based exclusively on the scientific and medical findings of HHS, with which DEA concurs, that lead to the conclusion that marijuana has a high potential for abuse. Nonetheless, independent of this scientific and medical basis for denying your petition, there is a logical flaw in your proposal that should be noted.

You do not assert in your petition that marijuana has a currently accepted medical use in treatment in the United States or that marijuana has an accepted safety for use under medical supervision. Indeed, the HHS scientific and medical evaluation reaffirms expressly that marijuana has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision.

Nor do you dispute that marijuana is a drug of abuse. That is, you do not contend that marijuana has no potential for abuse such that it should be removed entirely from the CSA schedules. Rather, your contention is that marijuana has less than a ''high potential for abuse'' commensurate with schedules I and II and, therefore, it cannot be classified in either of these two schedules.

Congress established only one schedule—schedule I—for drugs of abuse with ''no currently accepted medical use in treatment in the United States'' and ''lack of accepted safety for use * * * under medical supervision.'' 21 USC 812(b). To be classified in schedules II through V, a drug of abuse

[1] As set for in a memorandum of understanding entered in to by HHS, the Food and Drug Administration (FDA), and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CAS, with the concurrence of NIDA. 50 FR 9518 (1985).

[2] To avoid confusion, those parts of the HHS document that are not relevant to your petition with respect to marijuana (*i.e.,* those parts that are relevant only to the scheduling of tetrahydrocannabinols, dronabinol, or nabilone) have been redacted from the attachment. The HHS evaluation of these other substances will be addressed when DEA responds (in separate letters) to your petitions with respect to these other substances.

must have a ''currently accepted medical use in treatment in the United States.'' [3] *Id.* This is why the CSA allows practitioners to prescribe only those controlled substances that are listed in schedules II through V. 21 USC 829. Drugs listed in schedule I, by contrast, may not be prescribed for patient use; they may only be dispensed by practitioners who are conducting FDA-approved research and have obtained a schedule I research registration from DEA. 21 USC 823(f); 21 CFR 5.10(a)(9), 1301.18, 1301.32.

That schedule I controlled substances are characterized by a lack of accepted medical use was recently reiterated by Congress, when it declared, in a provision entitled, ''NOT LEGALIZING MARIJUANA FOR MEDICINAL USE'':

It is the sense of the Congress that—

(1) certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

(2) the consequences of illegal use of Schedule I drugs are well documented, particularly with regard to physical health, highway safety, and criminal activity;

(3) pursuant to section 401 of the Controlled Substances Act, it is illegal to manufacture, distribute, or dispense marijuana, heroin, LSD, and more than 100 other Schedule I drugs;

(4) pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration to ensure it is safe and effective;

(5) *marijuana and other Schedule I drugs have not been approved by the Food and Drug Administration to treat any disease or condition.*

* * * * *

Pub. L. No. 105–277, Div. F., 112 Stat. 2681–760 to 2681–761 (1998) (emphasis added).

Thus, when it comes to a drug that is currently listed in schedule I, if it is undisputed that such drug has no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision, and it is further undisputed that the drug has at least some potential for abuse sufficient to warrant control under the CSA, the drug must remain in schedule I. In such circumstances, placement of the drug in schedules II through V would conflict with the CSA since such drug would not meet the criterion of ''a currently accepted medical use in treatment in the United States.'' 21 USC 812(b).

Therefore, even if one were to assume, theoretically, that your assertions about marijuana's potential for abuse were correct (*i.e.,* that marijuana had some potential for abuse but less than the ''high potential for abuse'' commensurate with schedules I and II), marijuana would not meet the criteria for placement in schedules III through V since it has no currently accepted medical use in treatment in the United States—a determination that is reaffirmed by HHS in the attached medical and scientific evaluation.

For the foregoing reasons, your petition to reschedule marijuana cannot be granted under the CSA and is, therefore, denied.

Sincerely,

Donnie R. Marshall,
Administrator.
Attachments.

Department of Health and Human Services,

Office of the Secretary, Office of the Public Health and Science, Assistant Secretary for Health, Surgeon General, Washington, D.C. 20201.

January 17, 2001.

Mr. Donnie R. Marshall,
Deputy Administrator, Drug Enforcement Administration, Washington, D.C. 20537.

Dear Mr. Marshall: In response to your request dated December 17, 1997, and pursuant to the Controlled Substances Act (CSA), 21 U.S.C. § 811 (b), (c), and (f), the Department of Health and Human Services (DHHS) recommends that marijuana * * * continue to be subject to control under Schedule I. * * * Marijuana and the tetrahydrocannabinols are currently controlled under Schedule I of the CSA. Marijuana continues to meet the three criteria for placing a substance in Schedule I of the CSA under 21 U.S.C. 812(b)(1). As discussed in the attached analysis, marijuana has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and has a lack of accepted safety for use under medical supervision. Accordingly, HHS recommends that marijuana * * * continue to be subject to control under Schedule I of the CSA.

You will find enclosed two documents prepared by FDA's Controlled Substance Staff that are the bases for the recommendations.

Sincerely yours,

David Satcher,
Assistant Secretary for Health and Surgeon General.
Enclosure.

Basis for the Recommendation for Maintaining Marijuana in Schedule I of the Controlled Substances Act

A. Background

On July 10, 1995, Mr. Jon Gettman submitted a petition to the Drug Enforcement Administration (DEA) requesting that proceedings be initiated to repeal the rules and regulations that place marijuana and the tetrahydrocannabinols in Schedule I of the Controlled Substances Act (CSA) and dronabinol and nabilone in Schedule II of the CSA. The petition contends that evidence of abuse potential is insufficient for each substance or class of substances to be controlled in Schedule I or II of the CSA. In December 1997, the DEA Administrator requested that the Department of Health and Human Services (DHHS) develop scientific and medical evaluations and recommendations as to the proper scheduling of the substances at issue, pursuant to 21 U.S.C. 811(b).

This document responds to the portion of the petition that concerns marijuana * * *.

In accordance with 21 U.S.C. 811(b), the DEA has gathered information, and the Secretary of DHHS has considered eight factors in a scientific and medical evaluation, to determine how to schedule and control marijuana (Cannabis sativa) under the CSA. The eight factors are: actual or relative potential for abuse, scientific evidence of pharmacological effects, scientific knowledge about the drug or substance in general, history and current patterns of abuse, the scope and duration and significance of abuse, the risk (if any) to public health, psychic or physiologic dependence liability, and whether the substance is an immediate precursor of a substance that is already controlled. If appropriate, the Secretary must also make three findings—related to a substance's abuse potential, legitimate medical use, and safety or dependence liability—and then a recommendation. This evaluation presents scientific and medical knowledge under the eight factors, findings in the three required areas, and a recommendation.

Administrative responsibilities for evaluating a substance for control under the CSA are performed by the Food and Drug Administration (FDA), with the concurrence of the National Institute on Drug Abuse (NIDA), as described in the Memorandum of Understanding (MOU) of March 8, 1985 (50 FR 9518–20).

Pursuant to 21 U.S.C. 811(c), the eight factors pertaining to the scheduling of marijuana are considered below. The weight of the scientific and medical evidence considered under these factors supports the three findings that: (1) Marijuana has a high potential for abuse, (2) marijuana has no currently accepted medical use in treatment in the United States, and (3) there is a lack of accepted evidence about the safety of using marijuana under medical supervision.

B. Evaluating Marijuana Under the Eight Factors

This section presents scientific and medical knowledge about marijuana under the eight required factors.

[3] A controlled substance in schedule II must have either ''a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.'' 21 USC 812(b)(2)(B).

1. Its Actual or Relative Potential for Abuse

The CSA defines marijuana as the following:

All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. 21 U.S.C. 802(16).

The term ''abuse'' is not defined in the CSA. However, the legislative history of the CSA suggests the following in determining whether a particular drug or substance has a potential for abuse:

a. Individuals are taking the substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community.

b. There is a significant diversion of the drug or substance from legitimate drug channels.

c. Individuals are taking the substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such substances.

d. The substance is so related in its action to a substance already listed as having a potential for abuse to make it likely that it will have the same potential for abuse as such substance, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970) reprinted in U.S.C.C.A.N. 4566, 4603.

In considering these concepts in a variety of scheduling analyses over the last three decades, the Secretary has analyzed a range of factors when assessing the abuse liability of a substance. These factors have included the prevalence and frequency of use in the general public and in specific sub-populations, the amount of the material that is available for illicit use, the ease with which the substance may be obtained or manufactured, the reputation or status of the substance ''on the street'', as well as evidence relevant to population groups that may be at particular risk.

Abuse liability is a complex determination with many dimensions. There is no single test or assessment procedure that, by itself, provides a full and complete characterization. Thus, no single measure of abuse liability is ideal. Scientifically, a comprehensive evaluation of the relative abuse potential of a drug substance can include consideration of the drug's receptor binding affinity, preclinical pharmacology, reinforcing effects, discriminative stimulus effects, dependence producing potential, pharmacokinetics and route of administration, toxicity, assessment of the clinical efficacy-safety database relative to actual abuse, clinical abuse liability studies and the public health risks following introduction of the substance to the general population. It is important to note that abuse may exist independent of a state of physical dependence, because drugs may be abused in doses or in patterns that do not induce physical dependence.

Animal data and epidemiological data are both used in determining a substance's abuse liability. While animal data may help the Secretary draw conclusions on the abuse liability of a substance, data regarding human abuse, if available, is given greater weight. For example, even if a compound fails to display abuse liability in animal laboratory testing, positive evidence of abuse liability in humans is given greater weight. Epidemiological data can also be an important indicator of actual abuse and may, in some circumstances, be given greater weight than laboratory data. Thus, in situations where the epidemiological data indicates that a substance is abused, despite the lack of positive abuse liability indications in animal or human laboratory testing, the abuse liability determination may rest more heavily on the epidemiological data. Finally, evidence of clandestine production and illicit trafficking of a substance are also important factors to consider as this evidence sheds light on both the demand for a substance as well as the ease with which it can be obtained.

The Secretary disagrees with Mr. Gettman's assertion that ''[t]he accepted contemporary legal convention for evaluating the abuse potential of a drug or substance is the relative degree of self-administration the drug induces in animal subjects.'' As discussed above, self-administration tests that identify whether a substance is reinforcing in animals are but one component of the scientific assessment of the abuse potential of a substance. Positive indicators of human abuse liability for a particular substance, whether from laboratory studies or epidemiological data, are given greater weight than animal studies suggesting the same compound has no abuse potential.

Throughout his petition, Mr. Gettman argues that while many people ''use'' marijuana, few ''abuse'' it. He appears to equate abuse with the level of physical dependence and toxicity resulting from marijuana use. Thus, he appears to be arguing that a substance that causes only low levels of physical dependence and toxicity must be considered to have a low potential for abuse. The Secretary does not agree with this argument. Physical dependence and toxicity are not the only factors that are considered in determining a substance's abuse potential. The actual use and frequency of use of a substance, especially when that use may result in harmful consequences such as failure to fulfill major obligations at work or school, physical risk-taking, or even substance-related legal problems, are indicative of a substance's abuse potential.

a. *There is evidence that individuals are taking the substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community.*

Marijuana is a widely used substance. The pharmacology of the psychoactive constituents of marijuana (including delta^{9}-THC, the primary psychoactive ingredient in marijuana) has been studied extensively in animals and humans and is discussed in more detail below in Section 2, ''Scientific Evidence of its Pharmacological Effects, if Known.'' Although it is difficult to determine the full extent of marijuana abuse, extensive data from the National Institute on Drug Abuse (NIDA) and from the Substance Abuse Mental Health Services Administration (SAMHSA) are available. These data are discussed in detail in Section 4 ''Its History and Current Pattern of Abuse;'' Section 5, ''The Scope, Duration, and Significance of Abuse;'' and Section 6, ''What, if any Risk There is to the Public Health.''

According to the National Household Survey on Drug Abuse (NHSDA), of the 14.8 million Americans who used illicit drugs on a monthly basis in 1999, 11.2 million used marijuana. In 1998, 1.6 million children between the ages of 12 and 17 used marijuana for the first time. (See the discussion of the 1999 NHSDA in Section 4). A 1999 survey of 8th, 10th, and 12th grade students indicates that marijuana is the most widely used illicit drug in this age group. By 12th grade, 37.8% of students report having used marijuana in the past year, and 23.1% report using it monthly. (See the

discussion of the Monitoring the Future Study in Section 4). Primary marijuana abuse accounts for 13% of the admissions to treatment facilities for substance abuse, with 92% of those admitted having used marijuana for the first time by age 18. (See discussion of the Treatment Episode Data Set in Section 4).

The Drug Abuse Warning Network (DAWN) is a national probability survey of hospitals with emergency departments (EDs). DAWN is designed to obtain information on ED episodes that are induced by or related to the use of an illegal drug or the non-medical use of a legal drug. DAWN recently reported 87,150 ED drug mentions for marijuana/hashish in 1999, representing 16 % of all drug-related episodes in 1999. (See discussion of DAWN in Section 4). In 1999, DAWN data show that out of 664 medical examiner marijuana-related episodes, there were 187 deaths in persons who had used marijuana alone. While marijuana has a low level of toxicity when compared to other drugs of abuse, there are a number of risks resulting from both acute and chronic use of marijuana. These risks are discussed in full in sections 2 and 6 below.

b. *There is significant diversion of the substance from legitimate drug channels.*

Because cannabis is currently available through legitimate channels for research purposes only, there is limited legitimate use of this substance and thus limited potential for diversion. The lack of significant diversion of investigational supplies may also result from the ready availability of cannabis of equal or greater potency through illicit channels.

The magnitude of the demand for marijuana is, however, evidenced by the Drug Enforcement Administration (DEA) / Office of National Drug Control Policy (ONDCP) statistics. Data on marijuana seizures can often highlight trends in the overall trafficking patterns. The DEA's Federal-Wide Drug Seizure System (FDSS) provides information on total federal drug seizures. FDSS reports total federal seizures of 699 metric tons of marijuana in fiscal year 1997, 825 metric tons in fiscal year 1998 and 1,175 metric tons in fiscal year 1999 (ONDCP, 2000).

c. *Individuals are taking the substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such substances.*

The 1998 NHSDA suggests that 6.8 million individuals use marijuana on a weekly basis (SAMHSA, 1998), confirming that marijuana has reinforcing properties for many individuals. The FDA has not approved a new drug application for marijuana, although research under several INDs is currently active. Based on the large number of individuals who use marijuana, it can be concluded that the majority of individuals using cannabis do so on their own initiative, not on the basis of medical advice from a practitioner licensed to administer the drug in the course of professional practice.

d. *The substance is so related in its action to a substance already listed as having a potential for abuse to make it likely that it will have the same potential for abuse as such substance, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.*

Two drug products that contain cannabinoid compounds that are structurally related to the active components in marijuana are already regulated under the CSA. These are Marinol (dronabinol, delta^9-THC), which is a Schedule III drug, and nabilone, which is a Schedule II drug. All other cannabinoid compounds that are structurally related to the active components in marijuana are listed as Schedule I drugs under the CSA. Cannabinoid compounds constitute a distinct pharmacological class that is unrelated to other drugs currently listed in the CSA. The primary psychoactive compound in botanical marijuana is delta^9-tetrahydrocannabinol (delta^9-THC). Other cannabinoids also present in the marijuana plant likely contribute to the psychoactive effects. Individuals administer the constituents of marijuana by burning the material and inhaling (smoking) many of its combustible and vaporized products. The route of administration of a drug is one component of its abuse potential. Most psychoactive drugs exert their maximum subjective effects when blood levels of the drug are rapidly increased. Inhalation of drugs permits a rapid delivery and distribution of the drug to the brain. The intense psychoactive drug effect, which can be rapidly achieved by smoking, is often called a ''rush'' and generally is considered to be the effect desired by the abuser. This effect explains why marijuana abusers prefer the inhalation, intravenous or intranasal routes rather than oral routes of administration. Such is also the case with cocaine, opium, heroin, phencyclidine, and methamphetamine (Wesson & Washburn, 1990).

2. Scientific Evidence of Its Pharmacological Effects, If Known

We concur with the petitioner that there is abundant scientific data available on the neurochemistry, toxicology, and pharmacology of marijuana. This section includes a scientific evaluation of marijuana's neurochemistry and pharmacology, central nervous system effects including human and animal behavior, pharmacodynamics of central nervous system effects, cognitive effects, cardiovascular and autonomic effects, endocrine system effects and immunological system effects. The overview presented below relies upon the most current research literature on cannabinoids.

Neurochemistry and Pharmacology of Marijuana

To date, a total of 483 natural constituents have been identified in marijuana of which approximately 66 belong to the general group known as cannabinoids (Ross and ElSohly, 1995). The cannabinoids appear to be unique to marijuana, and most of those occurring naturally have already been identified. Within the cannabinoids, delta^9-tetrahydrocannabinol (delta^9-THC) is considered the major psychoactive constituent of marijuana. Since the elucidation of the structure and discovery of the function of delta^9-THC, in 1964 by Gaoni and Mechoulam, cannabis and cannabinoid research has flourished. Substantial discoveries on the pharmacology, biochemistry and behavioral mechanisms of action of the cannabinoids have been accomplished, and laid the scientific foundations for a better understanding of the effects of marijuana.

There is conclusive evidence of the existence of at least two cannabinoid receptors, CB_1 and CB_2, and it is now known that some of the pharmacological effects of cannabinoids are mediated through activation of these receptors. The cannabinoid receptors belong to the G-protein-coupled receptors family and present a typical seven transmembrane-spanning domain structure. Many G-protein coupled receptors are linked to adenylate cyclase, and stimulation of these receptors might result, either in inhibition or activation of adenylate cyclase, depending on the receptor system. Cannabinoid receptors are linked to an inhibitory G protein (Gi), meaning that when activated, inhibition of the activity of adenylate cyclase occurs, thus preventing the conversion of ATP to the second messenger cyclic AMP (cAMP). Examples of inhibitory-coupled receptors include opioid,

muscarinic," $_2$-adrenoreceptors, dopamine (D_2) and serotonin (5-HT_1) among others. The pharmacological relevance of the adenylate cyclase inhibition has been difficult to determine (Adams and Martin, 1996).

Advances in molecular biology allowed the cloning of a cannabinoid receptor (Matsuda *et al.,* 1990), first from rat brain origin followed by the cloning of the human receptor (Gerard *et al.,* 1991) therefore offering definitive evidence for a specific cannabinoid receptor. Autoradiographic studies have provided information on the distribution of cannabinoid receptors. CB_1 receptors are present in the brain and spinal cord and in certain peripheral tissues. The distribution pattern of these receptors within the central nervous system is heterogeneous. It is believed that the localization of these receptors in various regions of the brain, such as basal ganglia, cerebellum, hippocampus and cerebral cortex, may explain cannabinoid interference with movement coordination and effects on memory and cognition. Concentration of CB_1 receptors is considerably lower in peripheral tissues than in the central nervous system (Henkerham *et al.,* 1990 and 1992). CB_2 receptors have been detected only outside the central nervous system. Their occurrence has been shown to be primarily in immune tissues such as leukocytes, spleen and tonsils and it is believed that the CB_2-type receptor is responsible for mediating the immunological effects of cannabinoids (Galiegui *et al.,* 1995).

Recently it has been shown that CB_1 but not CB_2 receptors inhibit N- and Q type calcium channels and activate inwardly rectifying potassium channels. Inhibition of the N-type calcium channels decreases neurotransmitter release from several tissues and this may the mechanism by which cannabinoids inhibit acetylcholine, noradrenaline and glutamate release from specific areas of the brain. These effects might represent a potential cellular mechanism underlying the antinociceptive and psychoactive effects of cannabinoids (Ameri, 1999).

Several synthetic cannabinoid agonists have been synthesized and characterized and selective antagonists for both receptors have been identified. In 1994, SR–141716A, the first selective antagonist with CB_1 selectivity was identified, and more recently the selective CB_2 receptor antagonist, SR-144528, was described (Rinaldi-Carmona *et al.,* 1994 and 1998). In general, antagonists have proven to be invaluable tools in pharmacology. They allow the identification of key physiological functions by the receptors, through the blockade of their responses.

Delta^9-THC displays similar affinity for CB_1 and CB_2 receptors but behaves as a weak agonist for CB_2 receptors as judged by inhibition of adenylate cyclase. The identification of synthetic cannabinoid ligands deprived of the typical THC-like psychoactive properties, that selectively bind to CB_2 receptors, supports the idea that the psychotropic effects of cannabinoids are mediated through the activation of CB_1-receptors (Hanus *et al.,* 1999). Furthermore, cannabinoid agonists such as delta^9-THC and the synthetic ones, WIN–55,212–2 and CP–55,940, produce hypothermia, analgesia, hypoactivity and cataplexy. These effects are reversed by the selective CB_1 antagonist, SR–141716A, providing good evidence for the involvement of a CB_1 receptor mediated mechanism.

In addition, the discovery of the endogenous cannabinoid receptor agonists, anandamide and arachidonyl glycine (2–AG) confirmed the belief of a central cannabinoid neuromodulatory system. Indeed, cannabinoid and their endogenous ligands are present in central as well as peripheral tissues. Mechanisms for the synthesis and metabolism of anandamide have been described. The physiological roles of endogenous cannabinoids are not yet fully characterized, although it has been the target of large research efforts (Martin *et al.,* 1999).

In conclusion, progress in cannabinoid pharmacology, including the characterization of the cannabinoid receptors, isolation of endogenous cannabinoid ligands, synthesis of agonists and antagonists with diverse degree of affinity and selectivity for cannabinoid receptors, have provided the foundation for the elucidation of the specific effects mediated by cannabinoids and their roles in psychomotor disorders, memory, cognitive functions, analgesia, antiemesis, intraocular and systemic blood pressure modulation, broncodilation, and inflammation.

The reinforcing properties of a number of commonly abused drugs such as amphetamine, cocaine, alcohol, morphine and nicotine, have been explained by the effects of these drugs in the activation of dopaminergic pathways in certain areas of the brain and in particular the mesolimbic dopaminergic system (Koob, 1992). It has been demonstrated that delta^9-THC increases dopamine activity in reward relevant circuits in the brain (French, 1997; Gessa, *et al.* 1998), but the mechanism of these effects and the relevance of these findings in the context of the abuse potential of marijuana is still unknown.

Central Nervous System Effects

Human Behavioral Effects

As with other psychoactive drugs, the response that an individual has to marijuana is dependent on the set (psychological and emotional orientation) and setting (circumstances) under which the individual takes the drug. Thus, if an individual uses marijuana while in a happy state of mind among good friends, the responses are likely to be interpreted as more positive than if that individual uses the drug during a crisis while alone.

The mental and behavioral effects of marijuana can vary widely among individuals, but common responses, described by Wills (1998) and others (Adams and Martin 1996; Hollister 1986a, 1988a; Institute of Medicine 1982) are listed below:

(1) Dizziness, nausea, tachycardia, facial flushing, dry mouth and tremor can occur initially

(2) Merriment, happiness and even exhilaration at high doses

(3) Disinhibition, relaxation, increased sociability, and talkativeness

(4) Enhanced sensory perception, giving rise to increased appreciation of music, art and touch

(5) Heightened imagination leading to a subjective sense of increased creativity

(6) Time distortions

(7) Illusions, delusions and hallucinations are rare except at high doses

(8) Impaired judgement, reduced co-ordination and ataxia, which can impede driving ability or lead to an increase in risk-taking behavior

(9) Emotional lability, incongruity of affect, dysphoria, disorganized thinking, inability to converse logically, agitation, paranoia, confusion, restlessness, anxiety, drowsiness and panic attacks may occur, especially in inexperienced users or in those who have taken a large dose

(10) Increased appetite and short-term memory impairment are common

Humans demonstrate a preference for higher doses of marijuana (1.95% delta^9-THC) over lower doses (0.63% delta^9-THC) (Chaitand Burke, 1994), similar to the dose preference exhibited for many other drugs of abuse.

Animal Behavioral Effects

• Predictors of Reinforcing Effects (Self-Administration and Conditioned Place Preference)

One indicator of whether a drug will be reinforcing in humans is the self-administration test in animals. Self-

administration of marijuana, LSD, sigma receptor agonists, or cholinergic antagonists is difficult to demonstrate in animals. However, when it is known that humans voluntarily consume a particular drug for its pleasurable effects, the inability to establish self-administration with that drug in animals has no practical importance. This is because the animal test is only useful as a rough predictor of human behavioral response in the absence of naturalistic data. Thus, the petitioner is incorrect that the accepted legal convention for abuse potential is self-administration in animals and that because marijuana does not induce self-administration in animals, it has a lower abuse potential than drugs that easily induce self-administration in animals. Similarly, the petitioner is incorrect that the difficulty in inducing self-administration of marijuana in animals is due to a lack of effect on dopamine receptors. In fact, dopamine release can be stimulated indirectly by marijuana, following direct action of the drug on cannabinoid receptors. However, it is important to note that while self-administration in animals has been correlated with dopamine function, both pleasurable and painful stimuli can evoke dopaminergic responses. Dopamine functioning does not determine scheduling under the CSA.

Naïve animals will not typically self-administer cannabinoids when they must choose between saline and a cannabinoid. However, a recent report shows that when squirrel monkeys are first trained to self-administer intravenous cocaine, they will continue to bar-press at the same rate when THC is substituted for cocaine, at doses that are comparable to those used by humans who smoke marijuana (Tanda *et al.,* 2000). This effect was blocked by the cannabinoid receptor antagonist, SR 141716. These data demonstrate that under specific pretreatment conditions, an animal model of reinforcement by cannabinoids now exists for future investigations. Additionally, mice have been reported to self-administer WIN 55212, a CB_1 receptor agonist with a non-cannabinoid structure (Martellotta *et al.,* 1998). There may be a critical dose-dependent effect, though, since aversive effects, rather than reinforcing effects, have been described in rats with high doses of WIN 55212 (Chaperon *et al.,* 1998) as well as delta^9-THC (Sanudo-Pena *et al.,* 1997). The cannabinoid antagonist, SR 141716, counteracted these aversive effects.

The conditioned place preference (CPP) test also functions as a predictor of reinforcing effects. Animals show CPP to cannabinoids, but only at mid-dose levels. However, cannabinoid antagonists also induce CPP, suggesting that occupation of the cannabinoid receptor itself, may be responsible.

• Drug Discrimination Studies

Animals, including monkeys and rats (Gold *et al.,* 1992) as well as humans (Chait, 1988) can discriminate cannabinoids from other drugs or placebo. Discriminative stimulus effects of delta^9-THC are pharmacologically specific for marijuana-containing cannabinoids (Balster and Prescott, 1992, Barrett *et al.,* 1995, Browne and Weissman, 1981, Wiley *et al.,* 1993, Wiley *et al.,* 1995). Additionally, the major active metabolite of delta^9-THC, 11-OH-delta^9-THC, also generalized to the stimulus cue elicited by delta^9-THC (Browne and Weissman, 1981). Twenty-two other cannabinoids found in marijuana also fully substituted for delta^9-THC. The discriminative stimulus effects of the cannabinoid group appear to provide unique effects because stimulants, hallucinogens, opioids, benzodiazepines, barbiturates, NMDA antagonists and antipsychotics have not been shown to substitute for delta^9-THC.

Pharmacodynamics of CNS Effects

Psychoactive effects occur within seconds after smoking marijuana, while the onset of effects after oral administration is 30–60 min. After a single moderate smoked dose, most mental and behavioral effects are measurable for approximately 4 to 6 hours (Hollister 1986, 1988). Venous blood levels of delta^9-THC or other cannabinoids correlate poorly with intensity of effects and character of intoxication (Agurell *et al.* 1986; Barnett *et al.* 1985; Huestis *et al.* 1992a). There does not appear to be a ''hangover'' syndrome following acute administration of marijuana containing 2.1% delta^9-THC (Chait, 1985).

We agree with the petitioner that clinical studies do not demonstrate tolerance to the ''high'' from marijuana. This may be related to recent electrophysiological data showing that the ability of THC to increase neuronal firing in the ventral tegmental area (a region known to play a critical role in drug reinforcement and reward) is not reduced following chronic administration of the drug (Wu and French, 2000). On the other hand, tolerance can develop in humans to marijuana-induced cardiovascular and autonomic changes, decreased intraocular pressure, sleep and sleep EEG, mood and certain behavioral changes (Jones *et al.,* 1981).

Repeated use of many drugs leads to the normal physiological adaptations of tolerance and dependence and is not a phenomenon unique to drugs of abuse. Down-regulation of cannabinoid receptors has been suggested as the mechanism underlying tolerance to the effects of marijuana (Rodriguez de Fonseca *et al.,* 1994, Oviedo *et al.,* 1993). By pharmacological definition, tolerance does not indicate the physical dependence liability of a drug.

Physical dependence is a condition resulting from the repeated consumption of certain drugs. Discontinuation of the drug results in withdrawal signs and symptoms known as withdrawal or abstinence syndrome. It is believed that the withdrawal syndrome probably reflects a rebound of certain physiological effects that were altered by the repeated administration of the drug. These pharmacological events of physical dependence and withdrawal are not associated uniquely with drugs of abuse. Many medications such as antidepressants, beta-blockers and centrally acting antihypertensive drugs that are not associated with addiction can produce these effects after abrupt discontinuation.

Some authors describe a marijuana withdrawal syndrome consisting of restlessness, irritability, mild agitation, insomnia, sleep EEG disturbances, nausea and cramping that resolves in days (Haney *et al.,* 1999). This syndrome is mild compared to classical alcohol and barbiturate withdrawal phenomena, which may include agitation, paranoia, and seizures. Marijuana withdrawal syndrome has more frequently been reported in adolescents who were admitted for substance abuse treatment or under research conditions upon discontinuation of daily administration.

According to the American Psychiatric Association, Diagnostic and Statistical Manual (DSM–IV–TR™, 2000), the distinction between occasional use of cannabis and cannnabis dependence or abuse can be difficult to make because social, behavioral, or psychological problems may be difficult to attribute to the substance, especially in the context of use of other substances. Denial of heavy use is common, and people appear to seek treatment for cannabis dependence or abuse less often than for other types of substance-related disorders.

Although pronounced withdrawal symptoms can be provoked from the administration of a cannabinoid antagonist in animals who had received chronic THC administration, there is no overt withdrawal syndrome behaviorally in animals under conditions of natural discontinuation following chronic THC administration.

This may be the result of slow release of cannabinoids from adipose storage, as well as the presence of the major metabolite, 11-OH-delta^9-THC, which is also psychoactive.

Cognitive Effects

Acute administration of smoked marijuana impairs performance on tests of learning, associative processes, and psychomotor behavior (Block *et al.,* 1992). These data demonstrate that the short-term effects of marijuana can interfere significantly with an individual's ability to learn in the classroom or to operate motor vehicles. Administration of 290 ug/kg delta^9-THC in a smoked marijuana cigarette by human volunteers impaired perceptual motor speed and accuracy, two skills that are critical to driving ability (Kurzthaler *et al.,* 1999). Similarly, administration of 3.95% delta^9-THC in a smoked marijuana cigarette increased dysequilibrium measures as well as the latency in a task of simulated vehicle braking at a rate comparable to an increase in stopping distance of 5 feet at 60 mph (Liguori *et al.,* 1998).

The effects of marijuana may not resolve fully until at least a day after the acute psychoactive effects have subsided. A study at the National Institute on Drug Abuse (NIDA) showed residual impairment on memory tasks 24 hours after volunteer subjects had smoked 0, 1, or 2 marijuana cigarettes containing 2.57% delta^9-THC on two occasions the previous day (Heishman *et al.,* 1990). However, later studies at NIDA showed that there were no residual alterations in subjective or performance measures the day after subjects were exposed to 1.8%, or 3.6% smoked delta^9-THC, indicating that the residual effects of smoking a single marijuana cigarette are minimal (Fant *et al.,* 1998). A John Hopkins study examined marijuana's effects on cognition on 1,318 participants over a 15-year period and reported there were no significant differences in cognitive decline between heavy users, light users, and nonusers of cannabis, nor any male-female differences. The authors concluded that ''these results * * * seem to provide strong evidence of the absence of a long-term residual effect of cannabis use on cognition.'' (Lyketsos *et al.,* 1999).

Age of first use may be a critical factor in persistent impairment resulting from chronic marijuana use. Individuals with a history of marijuana-only use that began before the age of 16 were found to perform more poorly on a visual scanning task measuring attention than individuals who started using marijuana after that age (Ehrenreich *et al.,* 1999). However, the majority of early-onset marijuana users do not go on to become heavy users of marijuana, and those that do tend to associate with delinquent social groups (Kandel and Chen, 2000).

An individual's drug history may play a role in the response that person has to marijuana. Frequent marijuana users (greater than 100 times) were better able to identify a drug effect from low dose delta^9-THC than infrequent users (less than 10 times) and were less likely to experience sedative effects from the drug (Kirk and deWit, 1999). This difference in experiential history may account for data showing that reaction times are not altered by acute administration of marijuana in long term marijuana users (Block and Wittenborn, 1985), suggesting that behavioral adaptation or tolerance can occur to the acute effects of the drug in the absence of evidence for dependence.

The impact of *in utero* marijuana exposure on a series of cognitive tasks had been studied in children at different stages of development. Differences in several cognitive domains distinguished the 4-year-old children of heavy marijuana users. In particular, memory and verbal measures were negatively associated with maternal marijuana use (Fried and Watkinson, 1987). Maternal marijuana use was predictive of poorer performance on abstract/visual reasoning tasks, although it was not associated with an overall lowered IQ in 3-year old children (Griffith *et al.,* 1994). At 6 years of age, prenatal marijuana history was associated with an increase in omission errors on a vigilance task, possibly reflecting a deficit in sustained attention, was noted (Fried *et al.,* 1992). Recently, it had been speculated that prenatal exposure may affect certain behaviors and cognitive abilities that fall under the construct termed executive function, that is, not associated with measures of global intelligence. It was postulated that when tests evaluate novel problem-solving abilities as contrasted to knowledge, there is an association between executive function and intelligence. In a recent study (Fried *et al.,* 1998), the effect of prenatal exposure in 9–12 year old children was analyzed, and similarly to what was shown in other age groups, *in utero* marijuana exposure was negatively associated with executive function tasks that require impulse control, visual analysis and hypothesis testing and it was not associated with global intelligence.

Cardiovascular and Autonomic Effects

Single smoked or oral doses of delta^9-THC ingestion produce tachycardia and unchanged or increased blood pressure (Capriotti *et al.,* 1988, Benowitz and Jones, 1975). However, prolonged delta^9-THC ingestion produces significant heart rate slowing and blood pressure lowering (Benowitz and Jones, 1975). Both plant-derived cannabinoids and the endogenous ligands have been shown to elicit hypotension and bradycardia via activation of peripherally located CB_1 receptors (Wagner *et al.,* 1998). The mechanism of these effects were suggested in that study to include presynaptic CB_1 receptor mediated inhibition of norepinephrine release from peripheral sympathetic nerve terminals, with the possibility of additional direct vasodilation via activation of vascular cannabinoid receptors.

Impaired circulatory responses to standing, exercise, Valsalva maneuver, and cold pressor testing following THC administration suggest a state of sympathetic insufficiency. Tolerance developed to the orthostatic hypotension, possibly related to plasma volume expansion, but did not develop to the supine hypotensive effects. During chronic marijuana ingestion, nearly complete tolerance was shown to have developed to the tachycardia and psychological effects when subjects were challenged with smoked marijuana. Electrocardiographic changes were minimal despite the large cumulative dose of THC. (Benowitz and Jones, 1975)

Cardiovascular effects of smoked or oral marijuana have not been shown to result in any health problems in healthy and relatively young users. However, marijuana smoking by older patients, particularly those with some degree of coronary artery or cerebrovascular disease, is postulated to pose greater risks, because of the resulting increased cardiac work, increased catecholamines, carboxyhemoglobin, and postural hypotension (Benowitz and Jones 1981; Hollister 1988).

As a comparison, the cardiovascular risks associated with use of cocaine are quite serious, including cardiac arrhythmias, myocardial ischemia, myocarditis, aortic dissection, cerebral ischemia, stroke and seizures.

Respiratory Effects

Transient bronchodilation is the most typical effect following acute exposure to marijuana. The petitioner is correct that marijuana does not suppress respiration in a manner that leads to death. With long-term use of marijuana, there can be an increased frequency of pulmonary illness from chronic bronchitis and pharyngitis. Large-airway obstruction, as evident on pulmonary function tests, can also occur with

chronic marijuana smoking, as can cellular inflammatory histopathological abnormalities in bronchial epithelium (Adams and Martin 1996; Hollister 1986).

The low incidence of carcinogenicity may be related to the fact that intoxication from marijuana does not require large amounts of smoked material. This may be especially true today since marijuana has been reported to be more potent now than a generation ago and individuals typically titrate their drug consumption to consistent levels of intoxication. Several cases of lung cancer in young marijuana users with no history of tobacco smoking or other significant risk factors have been reported (Fung *et al.* 1999). However, a recent study (Zhang *et al.,* 1999) has suggested that marijuana use may dose-dependently interact with mutagenic sensitivity, cigarette smoking and alcohol use to increase the risk of head and neck cancer. The association of marijuana use with carcinomas remains controversial.

Endocrine System Effects

In male human volunteers, neither smoked THC (18 mg/marijuana cigarette) nor oral THC (10 mg t.i.d. for 3 days and on the morning of the fourth day) altered plasma prolactin, ACTH, cortisol, luteinizing hormone or testosterone levels (Dax *et al.,* 1989). Reductions in male fertility by marijuana are reversible and only seen in animals at concentrations higher than those found in chronic marijuana users.

Relatively little research has been performed on the effects of experimentally administered marijuana on human female endocrine and reproductive system function. Although suppressed ovulation and other ovulatory cycle changes occur in nonhuman primates, a study of human females smoking marijuana in a research hospital setting did not find hormone or menstrual cycle changes like those in monkeys that had been given delta^{9}-THC (Mendelson *et al.,* 1984a).

THC reduces binding of the corticosteroid dexamethasone in hippocampal tissue from adrenalectomized rats, suggesting a direct interaction with the glucocorticoid receptor. Chronic THC administration also reduced the number of glucocorticoid receptors. Acute THC releases corti-costerone, but tolerance developed with chronic THC administration. (Eldridge *et al.,* 1991)

Immune System Effects

Immune functions can be enhanced or diminished by cannabinoids, dependent on experimental conditions, but the effects of endogenous cannabinoids on the immune system are not yet known. The concentrations of THC that are necessary for psychoactivity are lower than those that alter immune responses.

A study presented by Abrams and coworkers at the University of California, San Francisco at the XIII International AIDS Conference investigated the effect of marijuana on immunological functioning in 62 AIDS patients who were taking protease inhibitors. Subjects received one of three treatments, three times a day: Smoked marijuana cigarette containing 3.95% THC; oral tablet containing THC (2.5 mg oral dronabinol); or oral placebo. There were no changes in HIV RNA levels between groups, demonstrating no short-term adverse virologic effects from using cannabinoids. Additionally, those individuals in the cannabinoid groups gained more weight than those in the placebo group (3.51 kg from smoked marijuana, 3.18 kg from dronabinol, 1.30 kg from placebo) (7/13/00, Durban, South Africa).

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

This section discusses the chemistry, human pharmacokinetics, and medical uses of marijuana.

Chemistry

According to the DEA, three forms of cannabis (that is, Cannabis sativa L. and other species) are currently marketed illicitly in the U.S.A. These cannabis derivatives include marijuana, hashish and hashish oil.

Each of these forms contains a complex mixture of chemicals. Among these components the twenty-one carbon terpenes found in the plant as well as their carboxylic acids, analogues, and transformation products are known as cannabinoids (Agurell *et al.,* 1984, 1986; Mechoulam, 1973). The cannabinoids appear to be unique to marijuana and most of the naturally-occurring have been identified. Among the cannabinoids, delta^{9}-tetrahydrocannabinol (delta^{9}-THC, alternate name delta^{1}-THC) and delta-8-tetrahydrocannabinol (delta^{8}-THC, alternate name delta^{6}-THC) are the only compounds in the plant, which show all of the psychoactive effects of marijuana. Because delta^{9}-THC is more abundant than delta^{8}-THC, the activity of marijuana is largely attributed to the former, which is considered the main psychoactive cannabinoid in cannabis. Delta^{8}-THC is found only in few varieties of the plant (Hively *et al.,* 1966). Other cannabinoids, such as cannabidiol (CBD) and cannabinol (CBN), has been characterized. CBD is not considered to have cannabinol-like psychoactivity, but is thought to have significant anticonvulsant, sedative, and anxiolytic activity (Adams and Martin, 1996; Agurell *et al.,* 1984, 1986; Hollister, 1986).

Marijuana is a mixture of the dried flowering tops and leaves from the plant (Agurell *et al.* 1984; Graham 1976; Mechoulam 1973) and is variable in content and potency (Agurell *et al.* 1986; Graham 1976; Mechoulam 1973). Marijuana is usually smoked in the form of rolled cigarettes. The other cannabis forms are also smoked. Potency of marijuana, as indicated by cannabinoid content, has been reported to average from as low as one to two percent to as high as 17 percent.

Delta^{9}-THC is an optically active resinous substance, insoluble in water and extremely lipid soluble. Chemically is known as (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo-[b,d]pyran-1-ol or (-)-delta^{9}-(trans)-tetrahydrocannabinol. The pharmacological activity of delta^{9}-THC is stereospecific; the (-)-trans isomer is 6–100 times more potent than the (+)-trans isomer (Dewey *et al.,* 1984).

The concentration of delta^{9}-THC and other cannabinoids in marijuana varies greatly depending on growing conditions, parts of the plant collected (flowers, leaves stems, etc), plant genetics, and processing after harvest (Adams and Martin , 1996; Agurell *et al.,* 1984; Mechoulam, 1973). Thus, there are many variables that can influence the strength, quality and purity of marijuana as a botanical substance. In the usual mixture of leaves and stems distributed as marijuana, the concentration of delta^{9}-THC ranges from 0.3 to 4.0 percent by weight. However, specially grown and selected marijuana can contain 15 percent or even more delta^{9}-THC. Thus, a one-gram marijuana cigarette might contain as little as 3 milligrams or as much as 150 milligrams or more of delta^{9}-THC among several other cannabinoids. As a consequence, the clinical pharmacology of pure delta^{9}-THC may not always be expected to have the same clinical pharmacology of smoked marijuana containing the same amount of delta^{9}-THC (Harvey, 1985). Also, the lack of consistency of concentration of delta^{9}-THC in botanical marijuana from diverse sources makes the interpretation of clinical data very difficult. If marijuana is to be investigated more widely for medical use, information and data regarding the chemistry, manufacturing and specifications of marijuana must be developed. 21 CFR 314.50(d)(1)

describes the data and information that should be included in the chemistry, manufacturing and controls section of a new drug application (NDA) to be reviewed by FDA.

Hashish consists of the cannabinoid-rich resinous material of the cannabis plant, which is dried and compressed into a variety of forms (balls, cakes *etc.*). Pieces are then broken off, placed into pipes and smoked. Cannabinoid content in hashish has recently been reported by DEA to average 6 percent.

Hash oil is produced by extracting the cannabinoids from plant material with a solvent. Color and odor of the extract vary, depending on the type of solvent used. Hash oil is a viscous brown or amber-colored liquid that contains approximately 15 percent cannabinoids. One or two drops of the liquid placed on a cigarette purportedly produce the equivalent of a single marijuana cigarette.

Human Pharmacokinetics

Marijuana is generally smoked as a cigarette (weighing between 0.5 and 1.0 gram), or in a pipe. It can also be taken orally in foods or as extracts of plant material in ethanol or other solvents. Pure preparations of delta^9-THC and other cannabinoids can be administered by mouth, rectal suppository, intravenous injection, or smoked.

The absorption, metabolism, and pharmacokinetic profile of delta^9-THC (and other cannabinoids) in marijuana or other drug products containing delta^9-THC are determined by route of administration and formulation (Adams and Martin 1996; Agurell *et al.* 1984, 1986). When marijuana is administered by smoking, delta^9-THC in the form of an aerosol in the inhaled smoke is absorbed within seconds. The delta^9-THC is delivered to the brain rapidly and efficiently as would be expected of a very lipid-soluble drug. The delta^9-THC bioavailability from smoked marijuana, i.e., the actual absorbed dose as measured in blood, varies greatly among individuals. Bioavailability can range from one percent to 24 percent with the fraction absorbed rarely exceeding 10 to 20 percent of the delta^9-THC in a marijuana cigarette or pipe (Agurell *et al.* 1986; Hollister 1988a). This relatively low and quite variable bioavailability results from significant loss of delta^9-THC in side-stream smoke, from variation in individual smoking behaviors, from cannabinoid pyrolysis, from incomplete absorption of inhaled smoke, and from metabolism in the lungs. A smoker's experience is likely an important determinant of the dose that is actually absorbed (Herning *et al.* 1986; Johansson *et al.* 1989). Venous blood levels of delta^9-THC or other cannabinoids correlate poorly with intensity of effects and character of intoxication (Agurell *et al.* 1986; Barnett *et al.* 1985; Huestis *et al.* 1992a).

After smoking, venous levels of delta^9-THC decline precipitously within minutes, and within an hour are about 5 to 10 percent of the peak level (Agurell *et al.,* 1986, Huestis *et al.,* 1992a, 1992b). Plasma clearance of delta^9-THC is approximately 950 mL/min or greater, thus approximating hepatic blood flow. The rapid disappearance of delta^9-THC from blood is largely due to redistribution to other tissues in the body, rather than to metabolism (Agurell *et al.,* 1984, 1986). Metabolism in most tissues is relatively slow or absent. Slow release of delta^9-THC and other cannabinoids from tissues and subsequent metabolism results in a long elimination half-life. The terminal half-life of delta^9-THC is estimated to range from approximately 20 hours to as long as 10 to 13 days, though reported estimates vary as expected with any slowly cleared substance and the use of assays of variable sensitivities.

In contrast, following an oral dose of delta^9-THC or marijuana, maximum delta^9-THC and other cannabinoid blood levels are attained after 2 to 3 hours (Adams and Martin 1996; Agurell *et al.* 1984, 1986). Oral bioavailability of delta^9-THC, whether pure or in marijuana, is low and extremely variable, ranging between 5 and 20 percent (Agurell *et al.* 1984, 1986). There is inter-and intra-subject variability, even when repeatedly dosed under controlled and ideal conditions. The low and variable oral bioavailability of delta^9-THC is a consequence of its first-pass hepatic elimination from blood and erratic absorption from stomach and bowel. Because peak effects are slow in onset, typically one or two hours after an oral dose, and variable in intensity, it is more difficult for a user to titrate the oral delta^9-THC dose than with marijuana smoking. When smoked, the active metabolite, 11-hydroxy-delta^9-THC, probably contributes little to the effects since relatively little is formed, but after oral administration, metabolite levels produced may exceed that of delta^9-THC and thus contribute greatly to the pharmacological effects of oral delta^9-THC or marijuana. Delta^9-THC is metabolized via microsomal hydroxylation to more than 80, active and inactive, metabolites (Lemberger *et al.,* 1970, Lemberger *et al.,* 1972a, 1972b) of which the primary active metabolite was 11-OH-delta^9-THC. This metabolite is approximately equipotent to delta^9-THC in producing marijuana-like subjective effects (Agurell *et al.,* 1986, Lemberger and Rubin, 1975). Following oral administration of radioactive-labeled delta^9-THC, it has been confirmed that delta^9-THC plasma levels attained by the oral route are low relative to those levels after smoking or intravenous administration. The half-life of delta^9-THC has been determined to be 23–28 hours in heavy marijuana users, but 60–70 hours in naive users (Lemberger *et al.,* 1970).

Characterization of the pharmacokinetics of delta^9-THC and other cannabinoids from smoked marijuana is difficult (Agurell *et al.*, 1986, Herning *et al.*, 1986, Heustis *et al.*, 1992a) in part because a subject's smoking behavior during an experiment cannot be easily controlled or quantified by the researcher. An experienced marijuana smoker can titrate and regulate the dose to obtain the desired acute psychological effects and to avoid overdose and/or minimize undesired effects. Each puff delivers a discrete dose of delta^9-THC to the body. Puff and inhalation volume changes with phase of smoking, tending to be highest at the beginning and lowest at the end of smoking a cigarette. Some studies found frequent users to have higher puff volumes than less frequent marijuana users. During smoking, as the cigarette length shortens, the concentration of delta^9-THC in the remaining marijuana increases; thus, each successive puff contains an increasing concentration of delta^9-THC.

Cannabinoid metabolism is extensive. There are at least 80 probable biologically inactive, but not completely studied, metabolites formed from delta^9-THC (Agurell *et al.*, 1986; Hollister, 1988a). In addition to the primary active metabolite, 11-hydroxy-delta^9-THC, some inactive carboxy metabolites have terminal half-lives of 50 hours to 6 days or more. The latter substances serve as long term markers of earlier marijuana use in urine tests. Most of the absorbed delta^9-THC dose is eliminated in feces, and about 33 percent in urine. Delta^9-THC enters enterohepatic circulation and undergoes hydroxylation and oxidation to 11-nor-9-carboxy-delta^9-THC. The glucuronide is excreted as the major urine metabolite along with about 18 nonconjugated metabolites. Frequent and infrequent marijuana users are similar in the way they metabolize delta^9-THC (Agurell *et al.*, 1986).

Medical Uses for Marijuana

FDA has not approved a new drug application for marijuana, although there are several INDs currently active. There is suggestive evidence that

marijuana may have beneficial therapeutic effects in relieving spasticity associated with multiple sclerosis, as an analgesic, as an antiemetic, as an appetite stimulant and as a bronchodilator, but there is no data from controlled clinical trials to support a new drug application for any of these indications. Data of the risks and potential benefits of using marijuana for these various indications must be developed to determine whether botanical marijuana, or any cannabinoid in particular, has a therapeutic role.

In February 1997, a NIH-sponsored workshop analyzed available scientific information and concluded that ''in order to evaluate various hypotheses concerning the potential utility of marijuana in various therapeutic areas, more and better studies would be needed'' (NIH, 1997). In addition, in March 1999, the Institute of Medicine (IOM) issued a detailed report that supports the absolute need for evidence-based research into the effects of marijuana and cannabinoid components of marijuana, for patients with specific disease conditions. The IOM report also emphasized that smoked marijuana is a crude drug delivery system that exposes patients to a significant number of harmful substances and that ''if there is any future for marijuana as a medicine, it lies in its isolated components, the cannabinoids and their synthetic derivatives.'' As such, the IOM recommended that clinical trials should be conducted with the goal of developing safe delivery systems (Institute of Medicine, 1999). Additionally, State-level public initiatives, including referenda in support of the medical use of marijuana have generated interest in the medical community for high quality clinical investigation and comprehensive safety and effectiveness data.

The Department of Health and Human Services (DHHS) is committed to providing ''research-grade marijuana for studies that are the most likely to yield usable, essential data'' (DHHS, 1999). The opportunity for scientists to conduct clinical research with botanical marijuana has increased due to changes in the process for obtaining botanical marijuana from the National Institute on Drug Abuse, the only legal source of the drug for research. Studies published in the current medical literature demonstrate that clinical research with marijuana is being conducted in the US under FDA-authorized Investigational New Drug applications. In May 1999, DHHS provided guidance on the procedures for providing research-grade marijuana to scientists who intend to study marijuana in scientifically valid investigations and well-controlled clinical trials (DHHS, 1999). This action was prompted by the increasing interest in determining through scientifically valid investigations whether cannabinoids have medical use.

4. Its History and Current Pattern of Abuse

To assess drug abuse patterns and trends, data from different sources such as National Household Survey on Drug Abuse (NHSDA), Monitoring the Future (MTF), Drug Abuse Warning Network (DAWN), and Treatment Episode Data Set (TEDS) have been analyzed. These indicators of marijuana use in the United States are described below:

National Household Survey on Drug Abuse

The National Household Survey on Drug Abuse (NHSDA, 1999) is conducted by the Department of Health and Human Service's Substance Abuse and Mental Health Services Administration (SAMHSA) annually. This survey has been the primary source of estimates of the prevalence and incidence of alcohol, tobacco and illicit drug use in the US. It is important to note that this survey identifies whether an individual used a drug during a certain period, but not the amount of the drug used on each occasion. The survey is based on a nationally representative sample of the civilian, non-institutionalized population 12 years of age and older. Persons excluded from the survey include homeless people who do not use shelters, active military personnel, and residents of institutional group quarters, such as jails and hospitals. In 1999, 66,706 individuals were interviewed.

According to the 1999 NHSDA, illicit drug use involved approximately 14.8 million Americans (6.7% of the US population) on a monthly basis. The most frequently used illicit drug was marijuana, with 11.2 million Americans (5.1% of the US population) using it monthly. The 1999 NHSDA no longer provides data on the weekly or daily use of any drug, so these statistics are unavailable for marijuana. The NHSDA estimated that 76.4 million Americans (34.6% of the population) have tried marijuana at least once during their lifetime. Thus, 14.7% of those who try marijuana go on to use it monthly. NHSDA data from 1999 show that 57% of illicit drug users only use marijuana on a monthly basis, which corresponds to 8.44 million persons (3.8% of the US population). However, there are no data available on marijuana-only use as a percent of use of any drug.

An estimated 2.3 million persons of all ages used marijuana for the first time in 1998, of whom 1.6 million were between the ages of 12–17. (Information on when people first used a substance is collected on a retrospective basis, so this information is always one year behind information on current use.) This represents a slight reduction in new marijuana users from 1997, when the rate was 2.6 million people of all ages and 1.8 million for those 12–17 years old. Trends for marijuana use were similar to the trends for any illicit use. There were no significant changes between 1998 and 1999 for any of the four age groups, but an increasing trend since 1997 among young adults age 18–25 years (12.8 % in 1997, 13.8 % in 1998, and 16.4 % in 1999) and a decreasing trend since 1997 for youths age 12–17 years (9.4 % in 1997, 8.3 % in 1998, and 7.0 % in 1999).

Monitoring the Future

Monitoring the Future (MTF, 1999) is a national survey that tracks drug use trends among American adolescents. The MTF has surveyed 8th, 10th and 12th graders every spring in randomly selected U.S. schools since 1975 for 12th graders and since 1991 for 8th and 10th graders. This survey is conducted by the Institute for Social Research at the University of Michigan under a grant from NIDA. The 1999 sample sizes were 17,300, 13,900, and 14,100 in 8th, 10th, and 12th grades, respectively. In all, about 45,000 students in 433 schools participated. Because multiple questionnaire forms are administered at each grade level, and because not all questions are contained in all forms, the numbers of cases upon which a particular statistic are based can be less than the total sample.

Comparisons between the MTF and students sampled in the NHSDA (described above) have generally shown NHSDA prevalence to be lower than MFT estimates, in which the largest difference occurred with 8th graders. The MTF survey showed the use of illegal drugs by adolescents leveled off in 1997 and then declined somewhat for most drugs in 1998. Also, the 1998-year survey showed that for the first time since 1991 an increase in the percentage of 8th graders who said marijuana is a risk to their health.

Illicit drug use among teens remained steady in 1999 in all three grades, as did the use of a number of important specific drugs such as marijuana, amphetamines, hallucinogens taken as a class, tranquilizers, heroin, and alcohol. Marijuana is the most widely used illicit drug. For 1999, the annual prevalence rates in grades 8, 10, and 12,

respectively, are 17%, 32%, and 38%. Current monthly prevalence rates are 9.7%, 19.4% and 23.1%. (See Table 1), whereas current daily prevalence rates (defined as the proportion using it on 20 or more occasions in the prior thirty days) are 1.4%, 3.8%, and 6.0%.

TABLE 1.—TRENDS IN ANNUAL AND MONTHLY PREVALENCE OF USE OF VARIOUS DRUGS FOR EIGHTH, TENTH, AND TWELFTH GRADERS

[Entries are precentages]

Grade	Annual			30-Day		
	1997	1998	1999	1997	1998	1999
Any illicit drug (a)						
8th	22.1	21.0	20.5	12.9	12.1	12.2
10th	38.5	35.0	35.9	23.0	21.5	22.1
12th	42.4	41.4	42.1	26.2	25.6	25.9
Any illicit drug other than cannabis (a)						
8th	11.8	11.0	10.5	6.0	5.5	5.5
10th	18.2	16.6	16.7	8.8	8.6	8.6
12th	20.7	20.2	20.7	10.7	10.7	10.4
Marijuana/hashish						
8th	17.7	16.9	16.5	10.2	9.7	9.7
10th	34.8	31.1	32.1	20.5	18.7	19.4
12th	38.5	37.5	37.8	23.7	22.8	23.1
Cocaine						
8th	2.8	3.1	2.7	1.1	1.4	1.3
10th	4.7	4.7	4.9	2.0	2.1	1.8
12th	5.5	5.7	6.2	2.3	2.4	2.6
Heroin (b)						
8th	1.3	1.3	1.4	0.6	0.6	0.6
10th	1.4	1.4	1.4	0.6	0.7	0.7
12th	1.2	1.0	1.1	0.5	0.5	0.5

Source. The Monitoring the Future Study, the University of Michigan.

a. For 12th graders only: Use of ''any illicit drug'' includes any use of marijuana, LSD, other hallucinogens, crack, other cocaine, or heroin, or any use of other opiates, stimulants, barbiturates, or tranquilizers not under a doctor's orders. For 8th and 10th graders: The use of other opiates and barbiturates has been excluded, because these younger respondents appear to over-report use (perhaps because they include the use of nonprescription drugs in their answers).

b. In 1995, the heroin question was changed in three of six forms for 12th graders and in two forms for 8th and 10th graders. Separate questions were asked for use with injection and without injection. Data presented here represents the combined data from all forms. In 1996, the heroin question was changed in the remaining 8th and 10th grade forms.

Drug Abuse Warning Network (DAWN)

The Drug Abuse Warning Network (DAWN, 1998) is a national probability survey of hospitals with emergency departments (EDs) designed to obtain information on ED episodes that are induced by or related to the use of an illegal drug or the non-medical use of a legal drug. The DAWN system provides information on the health consequences of drug use in the United States as manifested by drug-related visits to emergency departments (ED episodes). DAWN captures the non-medical use of a substance either for psychological effects, dependence, or suicide attempt. The ED data come from a representative sample of hospital emergency department's which are weighted to produce national estimates. As stated in DAWN methodology, ''the terms 'ED drug abuse episode' or 'ED episode' refer to any ED visit that was induced by or related to drug abuse. Similarly, the terms 'ED drug mention' or 'ED mention' refer to a substance that was mentioned in a drug abuse episode. Up to 4 substances can be reported for each ED episode. Thus, the number of ED mentions will always equal or exceed the number of ED episodes.''

Many factors can influence the estimates of ED visits, including trends in the ED usage in general. Some drug users may have visited EDs for a variety of reasons, some of which may have been life threatening, whereas others may have sought care at the ED for detoxification because they needed certification before entering treatment. It is important to note that the variable ''Motive'' applies to the entire episode and since more than one drug can be mentioned per episode, it may not apply to the specific drug for which the tables have been created. DAWN data do not distinguish the drug responsible for the ED visit from others used concomitantly. The DAWN report itself states, ''Since marijuana/hashish is frequently present in combination with other drugs, the reason for the ED contact may be more relevant to the other drug(s) involved in the episode.''

In 1999, there were an estimated 554,932 drug-related ED episodes and 1,015,206 ED drug mentions from these drug-related episodes. Nationally, the number of ED episodes and mentions remained relatively stable from 1998 to 1999. The 4 drugs mentioned most frequently in ED reports—alcohol-in-combination (196,277 mentions), cocaine (168,763), marijuana/hashish (87,150), and heroin/morphine (84,409)—were statistically unchanged from 1998 to 1999. Marijuana/hashish mentions represented 16% of all drug-related episodes in 1999. For adolescent patients age 12–17, there was no statistical change from 1998 to 1999 in drug use for any drug category (Table 2). There was no a statistically significant change in the number of marijuana/hashish mentions, heroin/morphine of cocaine from 1998 to 1999.

TABLE 2.—ESTIMATED NUMBER OF EMERGENCY DEPARTMENT DRUG EPISODES, DRUG MENTIONS AND MENTIONS FOR SELECTED DRUGS FOR TOTAL COTERMINOUS US BY YEAR FOR 1997–1999

	1997	1998	1999
Drug episodes	527,058	542,544	554,932
Drug mentions	943,937	982,856	1,015,206
Cocaine	161,087	172,014	168,763
Heroin/Morphine	72,010	77,645	84,409
Marijuana/Hashish	64,744	76,870	87,150

Source: Office of applied studies, SAMHSA, Drug Abuse Warning Network, 1999 (03/2000 update). Note: These estimates are based on a representative sample of non-federal, short-stay hospitals with 24-hour emergency departments in the U.S.

There were no statistically significant increases in marijuana/hashish mentions on the basis of age, gender, or race/ethnicity subgroups between 1998 and 1999, although a 19% increase in marijuana/hashish mentions (from 22,907 to 27,272) among young adults age 18 to 25 was observed.

Approximately 15 percent of the emergency department marijuana/hashish mentions involved patients in the 6–17 years of age, whereas this age group only accounts for less than 1 percent of the emergency department heroin/morphine and approximately 2 percent of the cocaine emergency department mentions. Most of the emergency department heroin/morphine and cocaine mentions involved subjects in the 26–44 years of age range.

Marijuana/hashish is likely to be mentioned in combination with other substances, particularly with alcohol and cocaine. Marijuana use as a single drug accounted for approximately 22% of the marijuana episodes. Single use of cocaine and heroin accounted for 29% and 47% of the cocaine and heroine episodes respectively.

The petitioner asserts that ''common household painkillers'' and benzodiazepines produce more ED visits than marijuana and that marijuana users are no more likely to be seen in EDs

than other chronic drug users. DAWN data do not confirm the petitioner's assertions. For 1999, the estimated rate of mentions of selected drugs per 100,000 population is 69.4 for cocaine, 35.8 for marijuana/hashish, 34.7 for heroin/morphine, 17.5 for alprazolam/diazepam/lorazepam, and 16.9 for aspirin/acetaminophen. The estimated rate of mentions of marijuana/hashish per 100,000 population is similar to that of heroin/morphine, but approximately twice that of aspirin/acetaminophen and that of alprazolam/diazepam/lorazepam. However, marijuana estimated rate of mentions/100,000 population is approximately half that of cocaine.

These drugs are easily distinguished by the motivation for their use. In 1999, marijuana/hashish mentions were related to episodes in which the motive for drug intake was primarily dependence (34.2%) followed by recreational use (28%), suicide (11.5%) and other psychic effects (8.1%). DAWN defines ''psychic effects'' as a conscious action to use a drug to improve or enhance any physical, emotional, or social situation or condition. The use of a drug for experimentation or to enhance a social situation, as well as the use of drugs to enhance or improve any mental, emotional, or physical state, is reported to DAWN under this category. Examples of the latter include anxiety, stay awake, help to study, weight control, reduce pain and to induce sleep. A different pattern is observed for tranquilizers (alprazolam/diazepam/lorazepam) and aspirin/acetamipnophen. Alprazolam/diazepam/lorazepam mentions were primarily related to episodes where the motive for drug intake was primarily suicide (approximately 58%), followed by dependence (approximately 17%), other psychic effects (approximately 11%), and recreational use (approximately 5%). For the use of aspirin/acetaminophen the primary motive of the episode was suicide (80%), other psychic effects (9%) and recreational use (2%).

DAWN also collects information on drug-related deaths from selected medical examiner offices from more than 40 metropolitan areas. In 1997 and 1998, there were 678 and 595 marijuana-related death mentions, representing 7.1 and 5.9 percent of the total drug abuse deaths for each year respectively. Medical examiner data also showed that in the majority of the mentions, marijuana was used concomitantly with cocaine, heroin and alcohol.

Treatment Episode Data Set

The Treatment Episode Data Set (TEDS, 1998) system is part of SAMHSA's Drug and Alcohol Services Information System (Office of Applied Science, SAMHSA). TEDS comprises data on treatment admissions that are routinely collected by States in monitoring their substance abuse treatment systems. The TEDS report provides information on the demographic and substance use characteristics of the 1.5 million annual admissions to treatment for abuse of alcohol and drugs in facilities that report to individual State administrative data systems. It is important to note that TEDS is an admission-based system, and TEDS admissions do not represent individuals, because a given individual admitted to treatment twice within a given year would be counted as two admissions. TEDS includes facilities that are licensed or certified by the State substance abuse agency to provide substance abuse treatment and that are required by the States to provide TEDS client-level data. Facilities that report TEDS data are those that receive State alcohol and/or drug agency funds for the provision of alcohol and/or drug treatment services. The primary goal for TEDS is to monitor the characteristics of treatment episodes for substance abusers.

Primary marijuana abuse accounted for 13% of TEDS admissions in 1998, the latest year for which data are available. In general, most of the individuals admitted for marijuana were white young males. Marijuana use began at an early age among primary marijuana admissions and more than half of the admitted patients had first used marijuana by the age of 14 and 92% by the age of 18. More than half of marijuana treatment admissions were referred through the criminal justice system.

Approximately one-third of those who were admitted for primary marijuana abuse use the drug daily. Between 1992 and 1998, the proportion of admissions for primary marijuana use increased from 6% to 13%, whereas the proportion of admissions for primary cocaine use declined from 18% in 1992 to 15% in 1998. The proportion of opiate admissions increased from 12% in 1992 to 15% in 1998 and alcohol accounted for about half (47%) of all TEDS admissions in 1998. Marijuana has not been associated with other drugs in 30.8% of the primary marijuana admissions that corresponds to 4.1% of all admissions. Secondary use of alcohol was reported by 38.2% of the marijuana admissions and secondary cocaine use was reported by 4% of admissions for primary marijuana abuse. The combination marijuana/alcohol/cocaine accounts for 8.5% of marijuana primary admissions and 1.1% of all admissions.

The TEDS Report concludes that, ''Overall, TEDS admissions data confirm that those admitted to substance abuse treatment have problems beyond their dependence on drugs and alcohol, being disadvantaged in education and employment when compared to the general population after adjusting for age, gender, and race/ethnicity distribution differences between the general population and the TEDS. It is not possible to conclude cause and effect from TEDS data—whether substance abuse precedes or follows the appearance of other life problems—but the association between problems seems clear.''

NIDA's Community Epidemiology Work Group (CEWG, 1999)

The CEWG is a network composed of epidemiologic and ethnographic researchers from major metropolitan areas of the United States and selected countries from abroad that meets semiannually to discuss the current epidemiology of drug abuse. Large-scale databases used in analyses include TEDS; DAWN; the Arrestee Drug Abuse Monitoring (ADAM) program funded by the National Institute of Justice; information on drug seizures, price, and purity from the Drug Enforcement Administration; Uniform Crime Reports maintained by the Federal Bureau of Investigation and Poison Control Centers. These data are enhanced with qualitative information obtained from ethnographic research, focus groups, and other community-based sources. Although data from TEDS and DAWN have been previously discussed this document, the analysis offered by the CEWG gives a more descriptive overview of individual geographical areas. In 1999, marijuana indicators were stable in 17 of the 21 CEWG areas. Indicators were mixed in two areas (Atlanta and Baltimore) and increased in two (Los Angeles and St. Louis). Despite the stability of certain indicators, marijuana abuse remains a serious problem in CEWG areas. In Atlanta, marijuana is the second most prevalent drug on the market and is increasingly used by a wide variety of people mostly white males and young adolescents. In St. Louis, marijuana indicators are increasing and DAWN marijuana ED mentions rose 33.3% from the last half of 1998 to the first half of 1999. Treatment admissions rose 40.1% from the second half of 1998 to the first

half of 1999, and another 9.6% in the second half of 1999.

In recent years, the proportion of primary marijuana abusers entering drug abuse treatment programs has been increasing in many CEWG cities. For example, between 1998 and the first semester of 1999, drug treatment admissions for primary marijuana abuse increased from 15.2% to 20.3% in Atlanta. In the first half of 1999, primary marijuana abusers represented 18.8% of drug treatment admissions in New York City compared with 16.6% in the first half of 1998. In the first half of 1999, primary marijuana abuse represented 41.2% of all drug treatment admissions in Denver and totaled 3,179. The number of primary marijuana admissions in St. Louis increased dramatically in the first half of 1999, representing 40.8% of treatment admissions.

The CEWG reports an increase in problems associated with marijuana that they attribute to the drug's greater availability/potency, its relative low cost, and a public attitude that use of marijuana is less risky than use of other drugs.

5. The Scope, Duration, and Significance of Abuse

According to the National Household Survey on Drug Abuse and the Monitoring the Future study, marijuana remains the most extensively used illegal drug in the US, with 34.6% of individuals over age 12 (76.4 million) and 49.7% of 12th graders having tried it at least once in their lifetime. While the majority of individuals (85.3%) who have tried marijuana do not use the drug monthly, 11.2 million individuals (14.7%) report that they used marijuana within the past 30 days. An examination of use among various age cohorts demonstrates that monthly use occurs primarily among college age individuals, with use dropping off sharply after age 25.

The Drug Abuse Warning Network data show that among 18–25 year olds, there was a 19% increase in 1999 for marijuana emergency department mentions. The fact that this age cohort had the greatest degree of acute adverse reactions to marijuana might be expected given that this group has the largest prevalence of marijuana use. Marijuana was commonly associated with alcohol and cocaine.

According to 1999 DAWN data, there were 187 deaths mentions where marijuana was the only drug reported, out of the total 664 medical examiners episodes involving marijuana in 1999. In the majority of the medical examiners episodes marijuana was associated with alcohol, cocaine, and morphine.

Data from the Treatment Episode Data Set confirm that 69% of admissions to drug treatment programs for primary marijuana abuse also had concurrent use of alcohol and other drugs. The TEDS report also emphasizes that individuals who are admitted for drug treatment have multiple disadvantages in education and employment compared to the general population. Individuals most likely to develop dependence on marijuana have a higher rate of associated psychiatric disorders or are socializing with a delinquent crowd.

6. What, if Any, Risk There is to the Public Health

The risk to the public health as measured by quantifiers such as emergency room episodes, marijuana-related deaths, and drug treatment admissions is discussed in full in sections 1, 4, and 5 above. Accordingly, this section focuses on the health risks to the individual user. All drugs, both medicinal and illicit, have a broad range of effects on the individual user that are dependent on dose and duration of usage. It is not uncommon for a FDA approved drug product to produce adverse effects even at doses in the therapeutic range. Such adverse responses are known as ''side effects''. When determining whether a drug product is safe and effective for any indication, FDA performs a thorough risk-benefit analysis to determine whether the risks posed by the drug product's potential or actual side effects are outweighed by the drug product's potential benefits. As marijuana is not approved for any use, any potential benefits attributed to marijuana use have not been found to be outweighed by the risks. However, cannabinoids have a remarkably low acute lethal toxicity despite potent psychoactivity and pharmacologic actions on multiple organ systems.

The consequences of marijuana use and abuse are discussed below in terms of the risk from acute and chronic use of the drug to the individual user (IOM, 1999) (see also the discussion of the central nervous system effects, cognitive effects, cardiovascular and autonomic effects, respiratory effects, and the effect on the immune system in Section 2):

Risks from acute use of marijuana:

Acute use of marijuana causes an impairment of psychomotor performance, including performance of complex tasks, which makes it inadvisable to operate motor vehicles or heavy equipment after using marijuana. People who have or are at risk of developing psychiatric disorders may be the most vulnerable to developing dependence on marijuana. Dysphoria is a potential response in a minority of individuals who use marijuana.

Risks from chronic use of marijuana:

Marijuana smoke is considered to be comparable to tobacco smoke in respect to increased risk of cancer, lung damage, and poor pregnancy outcome. An additional concern includes the potential for dependence on marijuana, which has been assessed to be rare among the general population but more common among adolescents with conduct disorder and individuals with psychiatric disorders. Although a distinctive marijuana withdrawal syndrome has been identified, it is mild and short-lived.

The Diagnostic and Statistical Manual (DSM–IV–SR, 2000) of American Psychiatric Association states that the consequences of cannabis abuse are as follows:

> [P]eriodic cannabis use and intoxication can interfere with performance at work or school and may be physically hazardous in situations such as driving a car. Legal problems may occur as a consequence of arrests for cannabis possession. There may be arguments with spouses or parents over the possession of cannabis in the home or its use in the presence of children. When psychological or physical problems are associated with cannabis in the context of compulsive use, a diagnosis of Cannabis Dependence, rather than Cannabis Abuse, should be considered.

Individuals with Cannabis Dependence have compulsive use and associated problems. Tolerance to most of the effects of cannabis has been reported in individuals who use cannabis chronically. There have also been some reports of withdrawal symptoms, but their clinical significance is uncertain. There is some evidence that a majority of chronic users of cannabinoids report histories of tolerance or withdrawal and that these individuals evidence more severe drug-related problems overall. Individuals with Cannabis Dependence may use very potent cannabis throughout the day over a period of months or years, and they may spend several hours a day acquiring and using the substance. This often interferes with family, school, work, or recreational activities. Individuals with Cannabis Dependence may also persist in their use despite knowledge of physical problems (*e.g.,* chronic cough related to smoking) or psychological problems (*e.g.,* excessive sedation and a decrease in goal-oriented activities resulting from repeated use of high doses).

7. Its Psychic or Physiologic Dependence Liability

Tolerance can develop to marijuana-induced cardiovascular and autonomic changes, decreased intraocular pressure, sleep and sleep EEG, mood and behavioral changes (Jones *et al.,* 1981). Down-regulation of cannabinoid receptors has been suggested as the mechanism underlying tolerance to the effects of marijuana (Rodriguez de Fonseca *et al.,* 1994). Pharmacological tolerance does not indicate the physical dependence liability of a drug.

In order for physical dependence to exist, there must be evidence for a withdrawal syndrome. Although pronounced withdrawal symptoms can be provoked from the administration of a cannabinoid antagonist in animals who had received chronic THC administration, there is no overt withdrawal syndrome behaviorally in animals under conditions of natural discontinuation following chronic THC administration. The marijuana withdrawal syndrome is distinct but mild compared to the withdrawal syndromes associated with alcohol and heroin use, consisting of symptoms such as restlessness, mild agitation, insomnia, nausea and cramping that resolve after 4 days (Budney *et al.,* 1999; Haney *et al.,* 1999). These symptoms are comparable to the decreased vigor, increased fatigue, sleepiness, headache, and reduced ability to work seen with caffeine withdrawal (Lane *et al.,* 1998). However, marijuana withdrawal syndrome has only been reported in adolescents who were inpatients for substance abuse treatment or in individuals who had been given marijuana on a daily basis during research conditions. Physical dependence on marijuana is a rare phenomenon compared to other psychoactive drugs and if it develops, it is milder when marijuana is the only drug instead of being used in combination with other drugs.

TEDS data for 1998 show that 37.9% of admissions for treatment for primary marijuana use met DSM IV criteria for cannabis dependence, whereas 27.7% met DSM IV criteria for cannabis abuse. Taken in the context of the total number of admissions, a DSM IV diagnosis for cannabis dependence represented 6.6%, and a diagnosis for cannabis abuse represented 4.9%, of all subjects admitted to treatment. In contrast, opioid and cocaine dependence was the DSM diagnosis of 12.2% and 12.6% of all admissions, respectively. (See Section 6 regarding marijuana abuse and dependence).

According to the NHSDA, data discussed above in Section 1, 6.8 million Americans used marijuana weekly in 1998. In addition, the DAWN data discussed in Section 4 indicates that 34.2% of the 87,150 ED marijuana mentions in 1999 were related to episodes in which the motive for drug intake was primarily dependence. It should be emphasized that the patient-reported ''motive'' for the drug intake applies to the entire episode and since more than one drug can be mentioned per episode, it may not apply to one specific drug. DAWN data do not distinguish the drug responsible for the ED visit from others used concomitantly. Finally, the CEWG data discussed in Section 4 above reports an increase in the proportion of primary marijuana users entering drug abuse treatment programs. Thus, there is evidence among a certain proportion of marijuana users for a true psychological dependence syndrome.

8. Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under This Article

Marijuana is not an immediate precursor of another controlled substance.

C. Findings and Recommendation

After considering the scientific and medical evidence presented under the eight factors above, FDA finds that marijuana meets the three criteria for placing a substance in Schedule I of the CSA under 21 U.S.C. 812(b)(1). Specifically:

1. Marijuana Has a High Potential for Abuse

11.2 million Americans used marijuana monthly in 1999 and 1998 data indicate that 6.8 million Americans used marijuana weekly. A 1999 study indicates that by 12th grade, 37.8% of students report having used marijuana in the past year, and 23.1 % report using it monthly. In 1999, 87,150 emergency department episodes were induced by or related to the use of marijuana/hashish, representing 16% of all drug-related episodes. The primary motive for drug intake in 34.2 % of those episodes was reported to be dependence. DAWN data from that same year show that out of 664 medical examiner episodes involving marijuana, marijuana was the only drug reported in 187 deaths. In recent years, the proportion of primary marijuana abusers entering drug abuse treatment programs has been increasing in major U.S. cities, ranging from 19% in New York City to 41% in St. Louis and Denver.

Data show that humans prefer higher doses of marijuana to lower doses, demonstrating that marijuana has dose-dependent reinforcing effects. Marijuana has relatively low levels of toxicity and physical dependence as compared to other illicit drugs. However, as discussed above, physical dependence and toxicity are not the only factors to consider in determining a substance's abuse potential. The large number of individuals using marijuana on a regular basis and the vast amount of marijuana that is available for illicit use are indicative of widespread use. In addition, there is evidence that marijuana use can result in psychological dependence in a certain proportion of the population.

2. Marijuana Has No Currently Accepted Medical Use in Treatment in the United States

The FDA has not approved a new drug application for marijuana. The opportunity for scientists to conduct clinical research with marijuana has increased recently due to the implementation of DHHS policy supporting clinical research with botanical marijuana. While there are INDs for marijuana active at the FDA, marijuana does not have a currently accepted medical use for treatment in the United States nor does it have an accepted medical use with severe restrictions.

A drug has a ''currently accepted medical use'' if all of the following five elements have been satisfied:

a. The drug's chemistry is known and reproducible;

b. There are adequate safety studies;

c. There are adequate and well-controlled studies proving efficacy;

d. The drug is accepted by qualified experts; and

e. The scientific evidence is widely available.

Alliance for Cannabis Therapeutics v. DEA, 15 F.3d 1131, 1135 (D.C. Cir. 1994).

Although the chemistry of many cannabinoids found in marijuana have been characterized, a complete scientific analysis of all the chemical components found in marijuana has not been conducted. Safety studies for acute or subchronic administration of marijuana have been carried out through a limited number of Phase 1 clinical investigations approved by the FDA, but there have been no studies that have scientifically assessed the efficacy of marijuana for any medical condition. A material conflict of opinion among experts precludes a finding that marijuana has been accepted by qualified experts. At this time, it is clear

that there is not a consensus of medical opinion concerning medical applications of marijuana.

Alternately, a drug can be considered to have ''a currently accepted medical use with severe restrictions'' (21 U.S.C. 812(b)(2)(B)). Although some evidence exists that some form of marijuana may prove to be effective in treating a number of conditions, research on the medical use of marijuana has not progressed to the point that marijuana can be considered to have a ''currently accepted medical use with severe restrictions.''

3. There Is a Lack of Accepted Safety for Use of Marijuana Under Medical Supervision

There are no FDA-approved marijuana products. Marijuana does not have a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. As discussed earlier, the known risks of marijuana use are not outweighed by any potential benefits. In addition, the agency cannot conclude that marijuana has an acceptable level of safety without assurance of a consistent and predictable potency and without proof that the substance is free of contamination. If marijuana is to be investigated more widely for medical use, information and data regarding the chemistry, manufacturing and specifications of marijuana must be developed. Therefore, FDA concludes that, even under medical supervision, marijuana has not been shown to have an acceptable level of safety.

FDA therefore recommends that marijuana be maintained in Schedule I of the CSA.

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Additional Scientific Data Considered by the Drug Enforcement Administration in Evaluating Jon Gettman's Petition To Initiate Rulemaking Proceedings To Reschedule Marijuana

Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, March 2001

Introduction

On July 10, 1995, Jon Gettman petitioned the Drug Enforcement Administration (DEA) to initiate rulemaking proceedings to reschedule marijuana. Marijuana is currently listed in schedule I of the Controlled Substances Act (CSA).

Mr. Gettman proposed that DEA promulgate a rule stating that ''there is no scientific evidence that [marijuana has] sufficient abuse potential to warrant schedule I or II status under the [CSA].''

In accordance with the CSA, DEA gathered the necessary data and, on December 17, 1997, forwarded that information along with Mr. Gettman's petition to the Department of Health and Human Services (HHS) for a scientific and medical evaluation and scheduling recommendation. On January 17, 2001, HHS forwarded to DEA its scientific and medical evaluation and scheduling recommendation. The CSA requires DEA to determine whether the HHS scientific and medical evaluation and scheduling recommendation and ''all other relevant data'' constitute substantial evidence that the drug should be rescheduled as proposed in the petition. 21 U.S.C. 811(b). This document contains an explanation of the ''other relevant data'' that DEA considered.

In deciding whether to grant a petition to initiate rulemaking proceedings, DEA must consider eight factors specified in 21 U.S.C. 811(c). The information contained in this document is organized according to these eight factors.

(1) Its Actual or Relative Potential for Abuse

Evaluation of the abuse potential of a drug is obtained, in part, from studies in the scientific and medical literature. There are many preclinical indicators of a drug's behavioral and psychological effects that, when taken together, provide an accurate prediction of the human abuse liability. Specifically, these include assessments of the discriminative stimulus effects, reinforcing effects, conditioned stimulus effect, effects on operant response rates, locomotor activity, effects on food intake and other behaviors, and the development of tolerance and dependence (cf., Brady *et al.,* 1990; Preston *et al.,* 1997). Clinical studies of the subjective and reinforcing effects in substance abusers, interviews with substance abusers, clinical interviews with medical professionals, and epidemiological studies provide quantitative data on abuse liability in humans and some indication of actual abuse trends (cf., deWit and Griffiths, 1991).

Evidence of actual abuse and patterns of abuse are obtained from a number of substance abuse databases, and reports of diversion and trafficking. Specifically, data from Drug Abuse Warning Network (DAWN), Poison

Control Centers, System To Retrieve Investigational Drug Evidence (STRIDE), seizures and declarations from U.S. Customs, DEA Drug Theft Reports and other diversion and trafficking data bases are indicators of the pattern, scope, duration and significance of abuse.

Reinforcing Effects in Animals

As described by the petitioner, the preponderance of preclinical studies using animal models had, to recently, shown that Δ^9-THC had minimal activity in behavioral paradigms predictive of reinforcing efficacy (*i.e.,* self-administration paradigms; Harris *et al.,* 1974; Pickens et al., 1973; Deneau and Kaymakcalan, 1971). In general, Δ^9-THC had been shown to be relatively ineffective in maintaining self-administration behavior by either the intravenous or oral routes (Kaymakcalan, 1973; Harris *et al.,* 1974; Carney *et al.,* 1977; Mansbach *et al.,* 1994). Under limited experimental parameters, Δ^9-THC self-administration was demonstrated after animals were either first trained to self-administer PCP, after a chronic cannabinoid history was established or when maintained at 80% reduced body weight (Pickens *et al.,* 1973; Deneau and Kaymakcalan, 1971; Takahashi and Singer, 1979). However, Tanda, Munzar and Goldberg of the Intramural Preclinical Pharmacology Section of the NIDA (2000) have clearly demonstrated that THC can act as a strong reinforcer of drug-taking behavior in an experimental animal model, the squirrel monkey, as it does in humans. The self-administration behavior was comparable in intensity to that maintained by cocaine under identical conditions and was obtained using a range of doses similar to those self-administered by humans smoking a single marijuana cigarette.

Although the neuropharmacological actions of Δ^9-THC suggest a powerful brain substrate underlying its rewarding and euphorigenic effects, behavioral studies of Δ^9-THC's rewarding effects had been inconclusive. Several reasons for the previous inability by a number of laboratories to demonstrate self-administration of Δ^9-THC in animals may be its relatively slow-onset, its long-lasting behavioral effects and its insolubility in physiological saline or water for injection (Mansbach *et al.,* 1994). Similar findings have been found in the animal literature with nicotine—an avid reinforcer in humans. The strength of THC, like nicotine, as a reinforcer in animals may be more dependent on supplementary strengthening by ancillary stimuli than is the case for other drugs (cf. Henningfield, 1984).

In other behavioral and pharmacological tests used to assess reinforcing efficacy, Δ^9-THC produced significant effects. Specifically, Δ^9-THC augments responding for intracranial self-stimulation by decreasing the reinforcing threshold for brain stimulation reward. It also dose-dependently enhances dopamine efflux in forebrain nuclei associated with reward and this enhanced efflux occurs locally in the terminal fields within brain reward pathways (Gardner and Lowinson, 1991; Gardner, 1992; Chen *et al.,* 1993, 1994). In conditioned place preference procedures, Δ^9-THC (2.0 and 4.0 mg/kg, i.p.) produced significant dose-dependent increases in preference for the drug paired chamber, the magnitude of which was similar to that seen with 5.0 mg/kg cocaine and 4.0 mg/kg morphine (Leprore *et al.,* 1995). However, Δ^9-THC also produced a conditioned place aversion and conditioned taste aversion (Leprore *et al.,* 1995; Parker and Gillies, 1995). The development of taste aversions with drug administrations that also produce place preferences have been described as somewhat of a ''drug paradox'' by Goudie; however, this has been found to occur within the ''therapeutic window'' of all known drugs of abuse (cf Goudie, 1987). Goudie has concluded that drugs can possess both reinforcing and aversive properties at the same doses. This fact may underlie the reciprocal relationship between the behavioral effects of THC, CBD, and THC+CBD combinations, discussed below.

Drug Discrimination in Animals

Preclinical drug discrimination studies with Δ^9-THC are predictive of the subjective effects of cannabinoid drugs in humans and serve as animal models of marijuana and THC intoxication in humans (Balster and Prescott, 1992; Wiley *et al.,* 1993b, 1995). In a variety of species it has been found that Δ^9-THC shares discriminative stimulus effects with cannabinoids that bind to CNS cannabinoid receptors with high affinity (Compton *et al.,* 1993; Järbe *et al.,* 1989; Gold *et al.,* 1992; Wiley *et al.,* 1993b, 1995b; Järbe and Mathis, 1992) and that are psychoactive in humans (Balster and Prescott, 1992). Furthermore, recent studies show that the discriminative stimulus effects of Δ^9-THC are mediated via the CB_1 receptor subtype (Pério *et al.,* 1996).

Chronic Δ^9-THC administration to rats produced tolerance to the discriminative stimulus effects of Δ^9-THC, but not to its response rate disruptions. Specifically, tolerance to the stimulus effects of Δ^9-THC increased 40-fold when supplemental doses of up to 120 mg/kg/day Δ^9-THC were administered under conditions of suspended training (Wiley *et al.,* 1993a).

The discriminative stimulus effects of Δ^9-THC appear to be pharmacologically specific as non-cannabinoid drugs typically do not elicit cannabimimetic effects in drug discrimination studies (Browne and Weissman, 1981; Balster and Prescott, 1992, Gold *et al.,* 1992; Barrett *et al.,* 1995; Wiley *et al.,* 1995a). Furthermore, these studies show that high doses of Δ^9-THC produce marked response rate disruption, immobility, ataxia, sedation and ptosis in rhesus monkeys and rats (Wiley *et al.*, 1993b; Gold *et al.*, 1992; Martin *et al.*, 1995).

Clinical Abuse Potential

Both marijuana and THC can serve as positive reinforcers in humans. Marijuana and Δ^9-THC produced profiles of behavioral and subjective effects that were similar regardless of whether the marijuana was smoked or taken orally, as marijuana in brownies, or orally as THC-containing capsules, although the time course of effects differed substantially. There is a large clinical literature documenting the subjective, reinforcing, discriminative stimulus, and physiological effects of marijuana and THC and relating these effects to the abuse potential of marijuana and THC (*e.g.,* Chait *et al.*, 1988; Lukas *et al.*, 1995; Kamien *et al.*, 1994; Chait and Burke, 1994; Chait and Pierri, 1992; Foltin *et al.*, 1990; Azorlosa *et al.*, 1992; Kelly *et al.*, 1993, 1994; Chait and Zacny, 1992; Cone *et al.*, 1988; Mendelson and Mello, 1984).

These listed studies represent a fraction of the studies performed to evaluate the abuse potential of marijuana and THC. In general, these studies demonstrate that marijuana and THC dose-dependently increases heart rate and ratings of ''high'' and ''drug liking'', and alters behavioral performance measures (*e.g.,* Azorlosa *et al.,* 1992; Kelly *et al.,* 1993, 1994; Chait and Zacny, 1992; Kamien *et al.,* 1994; Chait and Burke, 1994; Chait and Pierri, 1992; Foltin *et al.,* 1990; Cone *et al.,* 1988; Mendelson and Mello, 1984). Marijuana also serves as a discriminative stimulus in humans and produces euphoria and alterations in mood. These subjective changes were used by the subjects as the basis for the discrimination from placebo (Chait *et al.,* 1988).

In addition, smoked marijuana administration resulted in multiple brief episodes of euphoria that were paralleled by rapid transient increases in EEG alpha power (Lukas *et al.,* 1995);

these EEG changes are thought to be related to CNS processes of reinforcement (Mello, 1983).

To help elucidate the relationship between the rise and fall of plasma THC and the self-reported psychotropic effects, Harder & Rietbrock (1997) measured both the plasma levels of THC and the psychological ''high'' obtained from smoking a marijuana cigarette containing 1% THC. As can be seen from these data, a rise in plasma THC concentrations results in a corresponding increase in the subjectively reported feelings of being ''high''. However, as THC levels drop the subjectively reported feelings of ''high'' remain elevated. The subjective effects seem to lag behind plasma THC levels. Similarly, Harder and Rietbrock compared lower doses of 0.3% THC-containing and 0.1% THC-containing cigarettes in human subjects.

As can be clearly seen by these data, even low doses of marijuana, containing 1%, 0.3% and even 0.1% THC, typically referred to as ''non-active'', are capable of producing subjective reports and physiological markers of being ''high'.

THC and its major metabolite, 11-OH-THC, have similar psychoactive and pharmacokinetic profiles in man (Wall *et al.,* 1976; DiMarzo *et al.,* 1998; Lemberger *et al.,* 1972). Perez-Reyes *et al.* (1972) reported that THC and 11-OH-THC were equipotent in generating a ''high'' in human volunteers. However, the metabolite, 11-OH-THC, crosses the blood-brain barrier faster than the parent THC compound (Ho *et al.,* 1973; Perez-Reyes *et al.,* 1976). Therefore, the changes in THC plasma concentrations in humans may not be the best predictive marker for the subjective and physiological effects of marijuana in humans. Cocchetto et al. (1981) have used hysteresis plots to clearly demonstrate that plasma THC concentration is a poor predictor of simultaneous occurring physiological (heart rate) and psychological (''high'') pharmacological effects. Cocchetto et al. demonstrated that the time course of tachycardia and psychological responses lagged behind the plasma THC concentration-time profile. As recently summarized by Martin & Hall (1997, 1998)

> There is no linear relationship between blood [THC] levels and pharmacological effects with respect to time, a situation that hampers the prediction of cannabis-induced impairment based on THC blood levels (p90).

Physical Dependence in Animals

There are reports that abrupt withdrawal from Δ^9-THC can produce a mild spontaneous withdrawal syndrome in animals, including increased motor activity and grooming in rats, decreased seizure threshold in mice, increased aggressiveness, irritability and altered operant performance in rhesus monkeys (cf., Pertwee, 1991). The failure to observe profound withdrawal signs following abrupt discontinuation of the drug may be due to Δ^9-THC's long half-life in plasma and slowly waning levels of drug that continue to permit receptor adaptation.

Recently the discovery of a cannabinoid receptor antagonist demonstrates that a profound precipitated withdrawal syndrome can be produced in Δ^9-THC tolerant animals after twice daily injections (Tsou *et al.,* 1995) or continuous infusion (Aceto *et al.*, 1995, 1996).

Physical Dependence in Humans

Signs of withdrawal in humans have been demonstrated after studies with marijuana and Δ^9-THC. Although the intensity of the withdrawal syndrome is related to the daily dose and frequency of administration, in general, the signs of Δ^9-THC withdrawal have been relatively mild (cf., Pertwee, 1991). This withdrawal syndrome has been compared to that of short-term, low dose treatment with opioids, sedatives, or ethanol, and includes changes in mood, sleep, heart rate, body temperature, and appetite. Other signs such as irritability, restlessness, tremor, mild nausea, hot flashes and sweating have also been noted (cf., Jones, 1980, 1983).

Chait, Fischman, & Schuster (1985) have demonstrated an acute withdrawal syndrome or ''hangover'' occurring approximately 9 hours after a single marijuana smoking episode. Significant changes occurred on two subjective measures and on a time production task. In 1973, Cousens & DiMascio reported a similar ''hangover'' effect from acute administrations of Δ^9-THC. The hangover phenomenon or continued ''high'', in the Cousens & DiMascio study, occurred 9 hrs after drug administration and was associated with some residual temporal disorganization, as well. These residual or hangover effects may mimic the withdrawal syndrome, both qualitatively and quantitatively, which is expressed after chronic marijuana exposure. This acute hangover may reflect a true acute withdrawal syndrome similar to that experienced from high acute alcohol intake. The presence of an acute withdrawal syndrome after drug administration has been suggested to represent a physiological compensatory rebound by which chronic administration of the drug will eventually potentiate and produce dependence and the potential for continued abuse (Gauvin, Cheng & Holloway, 1993).

Crowley *et al.* (1998) screened marijuana users for DSM–IIIR dependence criteria. Of the 165 males and 64 female patients that met the criteria, 82.1% were found to have co-morbid conduct disorders; 17.5% had major depression; and 14.8% had a diagnosis of attention-deficit/hyperactivity disorder. These results also showed that most patients claimed to have ''serious problems'' from cannabis use. The data also indicated that for adolescents with conduct problems, cannabis use was not benign, and that the drug served as a potent reinforcer for further cannabis usage, producing dependence and withdrawal.

Kelly & Jones (1992) quantified concentrations of THC and its metabolites in both plasma and urine after a 5 mg intravenous dose of THC was administered to frequent and infrequent marijuana smokers. The frequent smokers were users who smoked marijuana almost daily for at least two years. The infrequent smokers were users who smoked marijuana no more than two to three times per month but had done so for at least two years. Pharmacokinetic parameters after intravenously administered THC revealed no significant differences between frequent and infrequent marijuana users on area under the time-effect curve (AUC), volume of distribution, elimination half-lives of parent THC and metabolites in plasma and urine. There were also no group differences in metabolic or renal clearances. The authors concluded that there was no evidence for metabolic or dispositional tolerance between the two groups of subjects. Kelly and Jones also reported that tolerance was not evident in heart rate, diastolic blood pressure, skin temperature, and the degree of psychological ''high'' from the i.v. administration of THC.

In two separate reports, Haney et al. have recently described abstinence symptoms of an acute withdrawal syndrome following high (30 mg q.i.d.) and low (20 mg q.i.d) dose administrations of oral THC (Haney et al., 1999a) and following 5 puffs of high (3.1%) and low (1.8%) THC-containing smoked marijuana cigarettes (Haney et al., 1999b). Abstinence from oral THC increased ratings of ''anxious'', ''depressed'', and ''irritable'', and decreased the reported quantity and quality of sleep and decreased food intake by 20–30% compared to baseline. Abstinence from as low as 5 controlled puffs of active marijuana smoking increased ratings of ''anxious'', ''irritable'' and ''stomach pain'', and

significantly decreased food intake. The 5 controlled puffs of 5 second duration each were drawn from 2 separate marijuana cigarettes (3 puffs from one, 2 puffs from the other. The smoke was held for 40 seconds and then exhaled. All subjects reported significant increases on subjective measures of ''high'', ''good drug effect'', and ''stimulated'', as well as ''mellow'', ''content'', and ''friendly'' as a result of this limited and controlled draw of THC. Both of these studies have delineated a withdrawal syndrome from concentrations of THC significantly lower than those reported in any other previous study and, for the first time, clearly identified a marijuana withdrawal syndrome detected at low levels of THC exposure that do not produce tolerance. The abstinence syndrome was not limited to subjective state changes but was also quantified using a cognitive/memory test battery.

In a related study, Khouri *et al* (1999) found that long-term heavy marijuana users became more aggressive during abstinence from marijuana than did former or infrequent users. Previous dependence studies have relied largely on patients' subjective reports of a range of symptoms. Khouri *et al.* examined a single symptom—aggression. The authors concluded that marijuana abstinence is associated with unpleasant behavioral symptoms that may contribute to continued marijuana use.

Kouri & Pope (2000) examined three groups of marijuana users during a 28-day supervised abstinence period. Current marijuana users experienced significant increases in anxiety, irritability, physical tension, and physical symptoms and decreases in mood and appetite during marijuana withdrawal. These symptoms were most pronounced during the initial 10 days of abstinence, bust some were present for the entire 28-day withdrawal period. The findings from this study reveal that chronic heavy users of marijuana experience a number of withdrawal symptoms during abstinence and clearly demonstrate a ''marijuana dependence syndrome'' in humans.

These data suggest that dependence on THC may in fact be an important consequence of repeated, daily exposure to cannabinoids and that daily marijuana use may be maintained, at least in part, by the alleviation of abstinence symptoms. Relevant to the present petition, the Haney *et al.* study is the first report demonstrating this syndrome with extremely low concentrations of THC.

Results of THC Dose Comparison Studies

There are reports in the scientific literature that evaluated dose-related subjective and reinforcing effects of Cannabis sativa in humans. These studies have assessed the subjective and reinforcing effects of cannabis cigarettes containing different potencies of THC and/or which have manipulated the THC dose by varying the volume of THC smoke inhaled (Azorlosa *et al.*, 1992; Lukas *et al.*, 1995; Chait *et al.*, 1988; Chait and Burke, 1994; Kelly *et al.*, 1993).

Chait *et al.* (1988) studied the discriminative stimulus effects of smoked marijuana cigarettes containing THC contents of 0%, 0.9%, 1.4%, 2.7%. Marijuana smokers were trained to discriminate smoked marijuana from placebo using 4 puffs of a 2.7%-THC cigarettes. Subjective ratings of ''high'', and physiological measures (*i.e.,* heart rate) were significantly and dose-dependently increased after smoking the 0.9%, 1.4%, 2.7%.

Marijuana cigarettes containing 1.4% THC completely substituted for 2.7%-THC on drug identification tasks, however, 0.9%-THC did not. The authors found that the onset of discriminative stimulus effects was within 90 seconds after smoking began (after the first two puffs). Since the 1.4%-THC cigarette substituted for 2-puffs of the 2.7%-THC cigarette, the authors estimate that an inhaled dose of THC as low as 3 mg can produce discriminable subjective effects.

Similarly, Lukas *et al.* (1995) reported that marijuana cigarettes containing either 1.26% or 2.53% THC produced significant and dose-dependent increases in level of intoxication and euphoria in male occasional marijuana smokers. Four of the six subjects that smoked the 1.26%-THC cigarette reported marijuana effects and 75% of these subjects reported euphoria. All six of the subjects that smoked 2.53% THC reported marijuana effects and euphoria. Peak levels of self-reported intoxication occurred at 15 and 30 minutes after smoking and returned to control levels by 90–105 minutes. There was no difference between latency to or duration of euphoria after smoking either the 1.26% or 2.53% THC cigarettes. The higher dose-marijuana cigarette produced a more rapid onset and longer duration of action than the lower dose marijuana cigarette (1.26% THC). Plasma THC levels peaked 5–10 minutes after smoking began; the average peak level attained after the low- and high-dose marijuana cigarette was 36 and 69 ng/ml respectively.

In order to determine marijuana dose-effects on subjective and performance measures over a wide dose range, Azorlosa *et al.* (1992) evaluated the effects of 4, 10, or 25 puffs from marijuana cigarettes containing 1.75 or 3.55% THC in seven male moderate users of marijuana. Orderly dose-response curves were produced for subjective drug effects, heart rate, and plasma concentration, as a function of THC content and number of puffs. After smoking the 1.75% THC cigarette, maximal plasma THC levels were 57 ng/ml immediately after smoking, 18.3 ng/ml 15 minutes after smoking, 10.3 ng/ml 30 minutes after smoking, and 7.7 ng/ml 45 minutes after smoking.

The study also showed that subjects could smoke more of the low THC cigarette to produce effects that were similar to the high THC dose cigarette (Azorlosa *et al.*, 1992). There were nearly identical THC levels produced by 10-puff low-THC cigarette (98.6 ng/ml) and 4-puff high THC cigarette (89.4 ng/ml). Similarly, the subjective effects ratings, including high, stoned, impaired, confused, clear-headed and sluggish, produced under the 10 puff low- and high-THC and 25 puff low-THC conditions did not differ significantly from each other.

As with most drugs of abuse, higher doses of marijuana are preferred over lower dose. Although not preferred, these lower doses still produce cannabimimetic effects. Twelve regular marijuana smokers participated in a study designed to determine the preference of a low potency (0.64%-THC) vs. a high potency (1.95%-THC) marijuana cigarette (Chait and Burke, 1994). The subjects first sampled the marijuana of two different potencies in one session, then chose which potency and how much to smoke. During sampling sessions, there were significant dose-dependent increases in heart rate and subjective effects, including ratings of peak ''high'', strength of drug effects, stimulated, and drug liking. During choice sessions, the higher dose marijuana was chosen over the lower dose marijuana on 87.5% of occasions. Not surprising, there was a significant positive correlation between the total number of cigarettes smoked and the ratings of subjective effects, strength of drug effect, drug ''liking'', expired air carbon monoxide, and heart rate increases. The authors state it is not necessary valid to assume that the preference observed in the present study for the high-potency marijuana was due to greater CNS effects from its higher THC content. The present study found that the low- and high-potency marijuana cigarettes also differ on

several sensory dimensions; the high-potency THC was found to be reported as ''fresher'' and ''hotter''. Other studies found that marijuana cigarettes containing different THC contents varied in sensory dimensions (cf., Chait *et al.*, 1988; Nemeth-Coslett *et al.*, 1986).

As summarized by Martin & Hall for the United Nations only a small amount of cannabis (*e.g.* 2–3 mg of available THC) is required to produce a brief pleasurable high for the occasional user and a single joint may be sufficient for two or three individuals. Using these data and those of Harder & Reitbroch (1997, above), a one gram cigarette containing 1% THC containing cannabis, would contain 10 mg of THC—a dose well capable of producing a social high.

Carlini *et al.* (1974) examined 33 subjects who smoked marijuana cigarettes with different ratios of constituent cannabinoids. The plant containing 0.82% THC produced larger than expected results based on the estimates from the THC content.

Smoking a 250 mg cigarette containing 5.0 mg of Δ^9-THC induced more reactions graded 3 and 4 than 10 or 20 mg of Δ^9-THC. It was further observed that the psychological effects (subjective ''high'') started around 10 min after the end of the inhalation, and reached a maximum 20 to 30 min later, subsiding within 1 to 3 hrs. The peak of psychological disturbances, therefore, did not coincide in time with the peak of pulse rate effects. Carlini *et al.,* suggested that other constituents of the marijuana were interacting synergistically with the THC to potentiate the subjective response induced by the smoking of the cigarette. Karniol and colleagues (1973, 1974) have clearly demonstrated that cannabidiol (CBD) blocks some of the effects induced by THC, such as increased pulse rates and disturbed time perception. More importantly, CBD blocked some of the psychological effects of THC, but not by altering the quantitative or intensity of the psychological reactions. CBD seemed better able to block the aversive effects of THC. CBD changed the symptoms reported by the subjects in such a way that the anxiety component produced by THC administration was actually reduced. The animal subjects of one study showed greater analgesia scores with a CBD+THC combination (1973) and the human subjects from the other study (1974) showed less anxiety and panic but reported more pleasurable effects. CBD may be best seen as an ''entourage'' compound (Mechoulam, Fride, DiMarzo, 1998) which is administered along with THC and results in a functional potentiation of THC's behavioral and subjective effects. This potentiation can be in both the intensity and/or duration of the high induced by marijuana. According to Paris & Nahas (1984) the CBD:THC ratio in industrial or fiber type hemp is 2:1. Relevant to the current petition, the CBD:THC ratio producing the greatest increase in euphoria in the Karniol, *et al.* studies was 2:1 (60:30 mg).

Jones & Pertwee (1972) were first to report that the presence of cannabidiol inhibited the metabolism of THC and its active metabolite. These data were soon replicated by Nilsson *et al.,* (1973). Bronheim *et al.,* (1995) examined the effects of CBD on the pharmacokinetic profile of THC content in both blood and brains of mice. CBD pretreatments produced a modest elevation in THC-blood levels; area under the kinetics curve of THC was increased by 50% as a function of decreased clearance. CBD pretreatments also modestly increased the C_{max}, AUC, and half-life of the major THC metabolites in the blood. The THC kinetics function showed a 7- to 15-fold increase in the area under the curve, a 2- to 4-fold increase in the half-life, as well as the t_{max}. CBD pretreatments resulted in large increases in area under the curves and half-lives of all the THC metabolites in the mice brains. The inhibition of the metabolism of THC and its psychoactive metabolites by CBD may underlie the potentiation in the subjective effects of THC by CBD in humans.

In addition to THC, hemp material contains a variety of other substances (*e.g.,* Hollister, 1974), including other cannabinoids such as cannabidiol (CBD) and cannabinol (CBN). One comprehensive review described the activities of 300 cannabinoid compound in preclinical models (Razdan, 1986). Since CBD is always present in preparations of cannabis, it may represent a high CBD:THC ratio in the case of low THC cannabis. Therefore, it is important to understand the interactions of cannabidiol and Δ^9-THC.

Structure-activity studies of cannabinoid compounds characterized cannabidiol in relationship to Δ^9-THC and other cannabinoids (Martin et al., 1981; Little *et al.,* 1988). These and other studies have found that cannabidiol was inactive and did not produce neuropharmacological effects or discriminative stimulus, subjective effects and behavioral effects predictive of psychoactive subjective effects (Howlett, 1987; Howlett *et al.,* 1992; c.f., Hiltunen and Järbe, 1986; Perez-Reyes *et al.,* 1973; Zuardi *et al.,* 1982; Karniol *et al.,* 1974).

Other studies have reported that cannabidiol has cannabinoid properties, including anticonvulsant effects in animal and human models (Consroe *et al.,* 1981; Carlini & Cunha, 1981; Doyle and Spence, 1995), hypnotic effects (Monti, 1977), anxiolytic effects (Musty, 1984; Onaivi, Geen, & Martin, 1990; Guimarães *et al.,* 1990; 1994) and rate-decreasing effects on operant behavior (Hiltunen *et al.,* 1988).

Experiments with cannabidiol in combination with THC have found that certain behavioral responses induced by THC (*i.e.,* operant, schedule-controlled responding) were attenuated by cannabidiol (Borgen and Davis, 1974; Brady and Balster, 1980; Consroe *et al.,* 1977; Dalton *et al.,* 1976; Kraniol and Carlini, 1973; Karniol *et al.,* 1974; Welburn *et al.,* 1976; Zuardi and Karniol, 1983; Zuardi *et al.,* 1981, 1982; Hiltunen *et al.,* 1988). However, other affects produced by THC are augmented or prolonged by the combined administration of CBD and THC or marijuana extract (Chesher and Jackson, 1974; Hine *et al.,* 1975a,b; Fernandes *et al.,* 1974; Karniol and Carlini, 1973; Musty and Sands, 1978; Zuardi and Karniol, 1983; Zuardi *et al.,* 1984). Still other studies did not report any behavioral interaction between the CBD and THC (Bird *et al.,* 1980; Browne and Weissman, 1981; Hollister and Gillespie, 1975; Järbe and Henricksson, 1974; Järbe *et al.,* 1977; Mechoulam *et al.,* 1970; Sanders *et al.,* 1979; Ten Ham and DeLong, 1975).

A study to characterize the interaction between CBD and THC was conducted using preclinical drug discrimination procedures. Rats and pigeons trained to discriminate the presence or absence of THC, and tested with CBD administered alone and in combinations with THC (Hiltunen and Järbe, 1986).

Specifically, in rats trained to discriminate 3.0 mg/kg, i.p. THC, CBD (30.0 mg/kg) was administered alone and in combination with THC (0.3 and 1.0 mg/kg, i.p.). In pigeons trained to discriminate 0.56 mg/kg, i.m. THC, CBD (17.5 mg/kg) was administered alone and in combination with THC (0.1, 0.3, and 0.56 mg/kg, i.m.). CBD prolonged the discriminative stimulus effects of THC in rats, but did not change the time-effect curve for THC in pigeons. In pigeons, the administration of CBD did not produce any differential effect under a fixed ratio schedule of reinforcement (Hiltunen and Järbe, 1986).

These data suggest that CBD may somehow augment or prolong the actions of THC in rats and had no effect in pigeons. In the present study, the CBD/THC ratios ranged from 30:1 to 100:1 in rats and enhanced the stimulus

effects of THC. However, similar CBD/THC ratios in pigeons (31:1, 58:1 and 175:1) did not result in any changes to THC's discriminative stimulus or response rate effects (Hiltunen and Järbe, 1986).

It should be noted that cannabidiol can be easily converted to delta-9- and delta-8-tetrahydrocannabinol. Even industrial hemp plant material (leaves), containing high concentrations of CBD, can be treated in clandestine laboratories to convert the CBD to delta-9-tetrahydrocannabinol (Mechoulam, 1973) converting a supposedly innocuous weed into a potent smoke product.

In conclusion, the ''entourage'' compound, cannabidiol, does contribute to all of the effects ascribed to THC, however it also appears to lack cannabimimetic properties. However, there is no credible scientific evidence that CBD is a pharmacological antagonist at the cannabinoid receptor (Howlett, Evans, & Houston, 1992). There is clear evidence that CBD can functionally antagonize some of the aversive effects of THC (Dewey, 1986). The data from the scientific literature cited above, clearly demonstrate the ability of CBD to modify some very specific effects of THC. Most importantly, relative to the euphorigenic effects of THC (which contributes to its abuse liability), CBD appears to potentiate the psychological or subjective effects of THC by potentiating the blood and brain THC and 11-OH-THC levels and by functionally blocking the aversive (anxiety-like) properties of THC.

Abuse Liability Summary

Preclinical and clinical experimental data demonstrate that marijuana and ''Δ^9-THC have similar abuse liabilities (*i.e.,* drug discrimination, self-administration, subjective effects). Both preclinical and clinical studies show that discontinuation of either marijuana or ''Δ^9-THC administration produces a mild withdrawal syndrome. The effects of THC are dose-dependent and several studies have found that low-potency THC is behaviorally active and can produce cannabimimetic-like subjective and physiological effects.

Actual Abuse

There are dozens of data collection and reporting systems that are useful for monitoring the United States' problem with abuse of licit and illicit substances. These data collection and reporting systems provide quantitative data on many factors related to abuse of a particular substance, including incidence, pattern, consequence and profile of the abuser of specific substances (cf., Larsen *et al.,* 1995).

Evidence of actual abuse is defined by episodes/mentions in the databases indicative of abuse/dependence. Some of the databases that are utilized by DEA to provide data relevant to actual abuse of a substance include the Drug Abuse Warning Network (DAWN), National Household Survey on Drug Abuse, Monitoring the Future survey, FDA's Spontaneous Adverse Events Reports, the American Association of Poison Control Centers database and reports of the Community Epidemiology Work Group (CEWG).

Drug trafficking and diversion data provide strong evidence that a drug or other substance is being abused. In order to determine the pattern, incidence, and consequences of abuse and the demographics of abusers of a particular substance to be controlled, DEA relies on data collected from a number of sources, including the United States government as well as state and local law enforcement groups. Information from these sources often provides a first indication of an emerging pattern of abuse of a particular drug or substance, and when taken together with other data sources provide strong evidence that can be used in determining a substance's placement in the schedules listed in the CSA.

The evidence from epidemiological studies conclude that marijuana use alone and in combination with other illicit drugs is increasing. The most recent ''Monitoring the Future Study'', documented increases in lifetime, annual and current (within the past 30 days) and daily use of marijuana by eighth and tenth graders; this increasing trend began in the early 1990's.

Similarly, according the NIDA's ''National Household Survey'', marijuana use is increasing with the greatest increase among the younger age groups (12–17 years of age). The frequency of marijuana use in the past year increases significantly among 12–17 year olds. This survey also found that youths who used marijuana at least once in their lives were more likely to engage in violent or other antisocial behaviors.

Marijuana is the most readily available illicit drug in the United States. Cannabis is cultivated in remote locations and frequently on public lands. Major domestic outdoor cannabis cultivation areas are found in California, Hawaii, Kentucky, New York and Tennessee. Significant quantities of marijuana were seized from indoor cultivation operations; there were 3,532 seizures in 1996 compared to 3,348 seized in 1995. Mexico is the major source of foreign marijuana, along with lesser amounts from Colombia and Jamaica (NNICC, 1996).

Domestically, marijuana is distributed by groups or individuals, ranging from large sophisticated organizations with controlled cultivation and interstate trafficking, to small independent traffickers at the local level.

(2) Scientific Evidence of Its Pharmacological Effects, If Known

Cannabis sativa is unique in that it is the only botanical source of the terpenophenolic substances referred to as cannabinoids which are responsible for the psychoactive effects of Cannabis. There are roughly 60 different cannabinoids found in Cannabis (Nahas, 1984; Murphy & Bartke, 1992; Agurell, Dewey & Willette, 1984) but the psychoactive properties of Cannabis are attributed to one or two of the major cannabinoid substances, namely delta-9-tetrahydrocannabinol and delta-8-tetrahydrocannabinol. In fresh, carefully dried marijuana, up to 95% of their cannabinoids are present as (-)-delta-9-(trans)-tetrahydrocannabinol carboxylic acid (Nahas, 1984; Murphy & Bartke, 1992; Agurell, Dewey & Willette, 1984). The acid form is not psychoactive, but is readily decarboxylated upon heating to yield delta-9-tetrahydrocannabinol (neutral form). Therefore, plant material could be very high in its ''pro-drug'' acid form and very low in neutral form but still be very potent when smoked.

There are two primary factors that influence THC content: genetic predisposition and environmental influences. Genetic factors are considered predominant in determining cannabinoid content, although, fluctuations in weather conditions have greatly enhanced or diminished the THC content.

Paris & Nahas (1984) have admonished that marijuana is not a single uniform plant like many of those encountered in nature, but a rather deceptive weed with several hundred variants. The intoxicating substances prepared from Cannabis vary considerably in potency according to the varying mixtures of different parts of the plant, and according to the techniques of fabrication. According to Paris & Nahas, this basic botanical fact has been overlooked by physicians and educators, who have written about marijuana as a simple, single substance, which uniformly yields a low concentration of a single intoxicant. In addition to changes due to its own genetic plasticity, marijuana has been modified throughout the ages by environmental factors and human manipulations, and is not yet a

stabilized botanical species (Paris & Nahas, 1984).

According to Paris & Nahas (1984) the terminology used by Fetterman *et al.* (1970, 1971) is somewhat misleading, especially with respect to their contention that environmental factors, including climate, are not as important as heredity in determining the cannabinoid content of cutigens. The analyses of Fetterman *et al.,* (1970) were performed according to the technique by Doorenbos *et al.,* (1971) on plant materials from variants that had been cut at the stem beneath the lowest leaves and air-dried. Seeds, bracts, flowers, leaves and small stems were then stripped from the plant. Most of the small stems were removed by a 10-mesh screen, and the seeds were eliminated with a mechanical seed separator. This preparation of marijuana contains less seed and stem than most of the illicit material available in the United States. Cannabinoids were then extracted from the plant material and analyzed by standard techniques.

Other systems of separating Cannabis into drug, intermediate and non-drug type have been developed. These are typically determined by chemical analyses based upon the method described by Doorenbos (1971) which utilizes manicured portions of the Cannabis plant only in determining percent concentration.

Cannabis sativa has been referred to as a widely distributed and unstabilized species. Cannabis exhibits extreme polymorphism (ability to alter, change) in different varieties, dependent upon many factors. For example, there are at least twenty strains which are cultivated for fiber. There have been many attempts to classify Cannabis as a function of intoxicant properties or fiber properties. Such classification efforts are dependent upon the age of the sample. And there is no totally reliable classification system based on a single chemical analysis. The plasticity of the genus has prevented the development of such a system (Turner *et al.* 1980a,b).

In a study where twelve strains of Cannabis were grown out of doors in Southern England (Fairbairn and Liebmann, 1974, Fairbairn *et al.,* 1971), the following were determined:

1. Warm climate are not necessary for high THC content.
2. There is considerable THC content variation within and between plants.
3. Quantitative results of tetrahydrocannabinol concentration (THC) are highly dependent upon the specific plant part sampled, the stage of growth and the size of sample.
4. Certain strains of Cannabis can be THC or cannabidiol (CBD) rich which does not seem to be dependent upon environmental conditions.
5. However, growing the same strain of Cannabis under different lighting conditions can produce plants that range from 2.4 to 4.42% THC concentration (based upon an analysis of the upper leaves). And finally,
6. THC concentration are dramatically higher on dried flowering or vegetative tops of the plants relative to middle or lower portions.

In a similar study on the characterization of Cannabis accessions with regard to cannabinoid content, vis-a-vis other plant characters (deMeijer, 1992), it was determined that:

1. There exists considerable variation within and among accessions for cannabinoid content;
2. Mean cannabinoid content is strongly affected by year of cultivation;
3. There is no strict relationship between chemical and non-chemical traits; and,
4. It is uncommon, but some accessions combine high bark fiber content and considerable psychoactive potency.

In 1993 de Meijer reported the results of a government (Netherlands) funded industrial hemp project designed to investigate the stem quality, yield, and a comparative analysis to wood fibers. deMeijer found that the commercial grade industrial hemp seeds, germplasms derived from <0.3% THC chemovars, demonstrated a significant variation in the average THC content which ranged from 0.06 to 1.77% in the female dry leaf matter. deMeijer concluded by stating,

> Although high bark fiber content does not necessarily exclude high THC content, most fiber cultivars have very low THC content and thus possess no psychoactive potency

While the data from his own study refutes these conclusions he does conclude that the industrial hemp plant does not preclude high THC content.

A review of these and other studies in the scientific literature, indicate that THC concentrations vary within portions of the Cannabis plant (Hanus *et al.,* 1989, 1975). In some studies, the concentration of THC can increase as much as 100% from leafy to flowering portions of the same plant. THC concentrations are known to be elevated on the upper portions of the plant. In a study published by Fairbairn and Liebmann, (1974) there was considerable variations between the flowering tops (bracts, flowers, immature fruits at the ends of shoots) and leafy portions of some specimens. THC content decreases with age and length of leaves (Paris & Nahas, 1984, p 25). The lower, more developed leaves have a low cannabinoid content and the top leaves have a high cannabinoid content, especially when they are associated with the bracts of the plant. Cannabinoids are localized in the upper third of the ''stalk'' and in the flowers. Therefore, the THC content of specific portions of a plant, which on a whole plant basis did not exceed 1%, could significantly exceed this threshold. Very few marijuana users actually ''smoke'' the leaves. It is the colas or the flowering portions of the plants which are utilized and these are exactly the portions of the plant which would be expected to have the highest concentration of THC.

It is clearly recognized that Cannabis presents a high degree of genetic plasticity which results in extreme polymorphism in its different varieties. The hemp first grown in the United States for fiber was of European origin. The type basic to modern American fiber production, known as Kentucky, came originally from China. In Europe, there are five to six varieties with one considered ''exceptional''—the Kymington. The plasticity of the European fiber variety has been clearly shown (Bouquet, 1951; Hamilton, 1912, 1915). European cultigens planted in dry, warm areas of Egypt to supply fiber for rope-making were found to produce, within several generations, plants with high psycho-active ingredients and very little fiber. Cannabis sativa's botanical and chemical characteristics change markedly as a result of environmental factors and human manipulation. Doorenbos *et al.,* (1971) cultivated a Mexican and Turkish variant in Mississippi for three consecutive generations. During that period, the Δ^9-THC content did not change in the Mexican variant but increased in the Turkish variant. In the more controlled environment of a phytotron (light, humidity, and nutrition controlled), Braut-Boucher (1978), Braut-Boucher & Petiard (1981), Braut-Boucher, Paris, & Cosson (1977) and Paris *et al.,* (1975) found that the cannabinoid concentrations rose over a similar three year period. The concentrations rose more sharply in cool environments (22–12°C: day-night) than in warm environments (32–12°C). Some authors have hypothesized that immediate environmentally caused changes are individual plant reactions, whereas the progressive changes over generations are linked with whole populations and constitute a true natural selection. Whether this evolution is caused by a change of genetic equilibrium (caused by the environment), or by a

modification of the genetic capacity (over time), is impossible to say (Paris & Nahas, 1984).

In 1974 through 1976 the University of Mississippi cultivated 7 variants of 12 Cannabis plants discovered and collected in 1973 from different areas of Mexico. Cannabinoid content was analyzed weekly during the cultivation period. Turner, Elsohly, Lewis, Lopez-Santibanez & Carranza (1982) summarized their findings as follows:

> In 1974, vegetative plants of ME–H, ME–K, ME–L, ME–N and ME–O, at 13 weeks of age had higher Δ^9-THC content that at weeks 12 and 14. They showed minimum Δ^9-THC content at week 15. For the most part, 1974 staminate and pistillate plants grown in Mississippi produced a low Δ^9-THC concentration * * *.

In all variants, the average Δ^9-THC was higher in 1976 than in 1974. Also, a greater fluctuation of Δ^9-THC was observed in 1976 than in 1974.

These results further establish that Cannabis Sativa L. is not a stable hybrid plant, but rather, represents characteristics more similar to an unstable weed.

Marijuana chemistry is complex and cannot be simplified or extrapolated from any one or two ''active compounds''. As early as 1974 this fact was recognized by the United Nations Division on Narcotic Drugs (UN Doc, 1974). As highlighted by Turner (1980), the chemistry of THC is not the chemistry of marijuana and the pharmacology of marijuana is not the pharmacology of THC. Recent findings do suggest that the interactions between cannabinoids is one of many critical factors in the analysis of the psychopharmacology of marijuana.

According to Jones (1980), because of exposure to a wide range of plant material and the cultural labeling (almost like advertising) of much of the marijuana experience, marijuana users are particularly subject to the effects of nonpharmacological variables that alter the subjective response to marijuana intoxication (Jones 1971, 1980; Cappell & Pliner, 1974; Becker 1967). As reviewed by Jones (1971), a number of studies suggest that experienced marijuana users are more subject to ''placebo reactions'; that is, a degree of intoxication disproportionate to the THC content of the material. This seems particularly true if the individuals are exposed to low potency marijuana (<1.0% THC). Jones believes that this is a result of experience and practice at recognizing minimal physiologic cues together with the smell, taste and other sensations associated with smoking a marijuana cigarette (Jones 1980, 1971). Becker 1967 and Cappell & Pliner (1974) have described a number of psychological factors (expectancy, social setting, *etc.*) that appear to synergistically interact to help generate the subjective experiences engendered by marijuana smoking.

Domino, Rennick, & Pearl (1976) administered THC injected into tobacco cigarettes to male volunteers. Similar to findings described by Isbell *et al.,* (1967) they report that 50 μg of THC into the cigarettes produced a ''social high'', while 250 μg/kg was ''hallucinogenic''. Taking 80 kg as the mean weight of their subjects the authors concluded that a 4.0 mg total THC dose produced a ''social high''; a hallucinogenic dose was 20 mg total THC by inhalation. A standard 1g cigarette of 1% THC fibre-type hemp provides 10 mg of THC. Even allowing for a 50% loss of THC from sidestream smoke and pyrolysis, smoking this cigarette provides more than enough THC to produce a ''social high''.

In 1968 Weil, Norman, & Nelsen described a set of studies examining the physiological and psychological aspects of smoked marijuana. The first batch of Mexican grown marijuana used in the study was found to contain only 0.3% THC by weight. The potency of this product was considered to be ''low'' by the experimenters on the basis of the doses needed to produce symptoms of intoxication in the chronic users. This low potency marijuana was able to produce a ''high'', but only with two 1 gram cigarettes. A second batch was used in later studies. Weil, Norman, & Nelsen report that marijuana assayed at 0.9% THC (a quantity slightly less than the 1% THC limit set forth by the petitioners) was rated by the chronic users in the study to be ''good, average'' marijuana, neither exceptionally strong nor exceptionally weak compared to the usual supplies. Users consistently reported symptoms of intoxication after smoking about 0.5 grams of the 0.9% THC containing marijuana (half a joint). With the high dose of marijuana (2.0 grams of 0.9% THC containing marijuana) all chronic users became ''high'' by their own accounts and in the judgment of experimenters who had observed many persons under the influence of marijuana.

Agurell & Leander (1971) examined the physiological and psychological effects of low THC-containing cannabis in experienced users. They reported that 14–29% of the cannabinoid content of the cigarette was transferred to the main stream smoke. Based on qualitative and quantitative analyses, Agurell & Leander demonstrated that as little as 3–5 mg of THC was needed to be absorbed by the lung in order to produce a ''normal biological high''. Further, they found that as little as 1 mg of absorbed THC was discriminable by all of their chronic user subjects.

In 1982, Barnett, Chiang, Perez-Reyes, & Owens had six subjects smoke a 1% THC-containing (industrial hemp, as defined by the petitioner) marijuana cigarette. Significant heart rate and subjective measures of ''high'' were measured for 2 hours after each cigarette.

In 1971 Jones reported on the wide variability in THC concentrations found in street samples:

> Specimens gathered in the midwestern United States contained only 0.1—0.5% THC. Thirty specimens selected from seized samples in the Bureau of Narcotics and Dangerous Drugs Laboratory in San Francisco all contained less than 1% THC. Samples from the State of California Bureau of Narcotic enforcement analyzed in our laboratory contained as little as 0.1% THC and a maximum of 0.9% * * * In a survey done in Ontario, Canada, Marshman and Gibbons found that of 36 samples alleged to be marijuana with high cannabinoid content, 34% contained no marijuana at all, and much of the rest was cut with other plant substances. A generous assumption is that marijuana generally available in the United States averages about 1.0% THC.

It must be acknowledged that the THC content of domestically grown and imported marijuana has increased since these reports. However, the description by Weil, Zinberg & Nelson (1968), Agurell & Leander (1971), Jones (1971) and Barnett *et al.* (1982) highlight the historical importance of low THC concentrations contained in marijuana which provided the basis for the marijuana culture that developed in the 1970s. The incident described by Jones was not an isolated case of the inadvertent misrepresentation of the THC content of marijuana extracts. Caldwell *et al.,* (1969) found that the NIMH-supplied marijuana that they reported to have contained 1.3% THC was analyzed by two independent laboratories and found to contain as little as 0.2 to 0.5% THC. Similarly, according to Paton & Pertwee (1973) the THC content of material used by Clark & Nakashima (1968), Weil *et al.,* (1968), Weil & Zinberg (1969), and Crancer *et al.,* (1969) must be expected to be one-third to one-sixth less than stated. This means that the positive results of all of these studies were the result of a surprisingly low THC-containing (<1.0%) marijuana. The early scientific data on the subjective effects of marijuana were generated with these samples by experienced smokers smoking material in this potency range. These experienced marijuana smokers were reporting that these marijuana

samples were of ''average quality'' (Mechoulam, 1973).

In an early study, Jones (1971) utilized 1 gram of plant material with a THC concentration of 0.9% (9 mg of THC). Experienced marijuana smokers were asked to freely smoke marijuana cigarettes for 10 minutes. The smoking topography of the smokers widely varied and was not controlled in this set of experiments. Subjects were asked to smoke the entire cigarette. Subjective state was measured by asking the subjects to make global estimates of his degree of intoxication on a 0–100 scale. A score of 0 was defined as ''sober'' and a score of 100 as the most intoxicated or most ''stoned'' they had ever been in any social situation. At the end of the session (about 3 hrs), the subject also filled out a 272-item symptom checklist (SDEQ: subjective drug effects questionnaire) which taps some of the more unusual emotional, perceptual and cognitive effects produced by psychoactive drugs. The mean potency rating was 61 for the marijuana containing only 9 mg of THC. There was a tremendous range in the rating made by individual smokers. Jones concluded that the smokers may obtain intermittent reinforcement from THC but where much of the behavior and subsequent response is maintained by ''conditioned reinforcers'' such as the whole ritual of lighting up, the associated stimuli of smell, taste, visual stimuli and so on.

Manno, Kiplinger, Haine, Bennett, & Forney (1970) asked subjects to smoke an entire 1 gram cigarette containing 1% THC (10 mg; low potency). The subjects were told to take 2 to 4 seconds to inhale and to hold the draw for 30 to 60 seconds. The expired smoke was collected and analyzed for THC content, as well. During the experiment the subjects smoked the entire cigarette; in all cases, less than 0.5 mg of THC remained in the residue of each cigarette. Manno *et al.* reported that the quantity of THC or other cannabinols present in a marijuana cigarette was not a reliable indicator of the amount of cannabinols that were delivered in the smoke of the cigarette. Controlled smoking experiments through a manufactured smoking machine demonstrated that approximately 50% of the Δ^9-THC originally present in the cigarette was delivered unchanged in the smoke. Manno et al. concluded that a dose of approximately 5 mg of Δ^9-THC was delivered which was estimated to be an administered dose in the range of 50 to 75 μg per kilogram. These low potency marijuana cigarettes produced significant motor and mental performance measures on the pursuit meter test, delayed auditory feedback, verbal output, reverse reading, reverse counting, progressive counting, simple addition, subtraction, addition +7, subtract +7, and color differentiation. These low potency cigarettes also produced significant pulse rate increases and significant increases on a somatic symptoms checklist. Unsolicited verbal comments from the subjects verified that the subjects were ''high'' on these low potency marijuana cigarettes.

Kiplinger, Manno, Rodda, Forney, Haine, Ease, & Richards (1971) conducted a randomized block, double-blind study designed to establish a dose-response analysis of the THC content in marijuana using a variety of behavioral and subjective effects measures. Marijuana cigarettes were manufactured to deliver doses of 0, 6.25, 12.5, 25, and 50 μg/kg of Δ^9-THC. Based on an average 70 kg man, the total delivered doses of THC were 0, 0.43, 0.875, 1.75, and 3.5 mg. Based on the assumption of a 50% loss of THC from pyrolysis and sidestream smoke these doses would be equivalent to smoking cigarettes containing 0, 0.08%, 0.16%, 0.3%, and 0.7% THC containing hemp. The lower concentrations of THC were used because these doses are found in the weaker ''hemp'' or fiber type marijuana commonly grown in the United States. All doses of THC, including the two lowest doses, increased the subjective ratings on both the ARCI and Cornell Medical Indexes, produced heart-rate increases, increased motoric decrements in pursuit meter, and produced decrements in mental performance using the delayed auditory feedback test. Most importantly, 80% of subjects correctly identified the lowest dose (6.25 μg/kg; 0.43 mg THC) as active marijuana. The authors suggested that even lower doses might have measurable effects. Holtzman (1971) has suggested that one of the best predictors of a drug's abuse liability is the identification of the substance as ''drug-like'' by experienced drug users. The identification of the lowest dose of marijuana in the Kiplinger et al. and the other studies, discussed above, clearly suggests that industrial ''fiber-type'' marijuana has abuse potential.

Many of the studies examining the behavioral effects of marijuana in animals have chosen to administer THC because of the difficulties in controlling and administering exact doses within and between subjects when using pyrolyzed forms of marijuana to animals. Accurate small-animal smoke delivery systems are not yet available. The lack of water solubility of Δ^9-THC has made its administration and absorption a difficult problem for pharmacologists. Many different methods for suspending, solubilizing, or emulsifying Δ^9-THC have been used. None of these methods are without difficulty and without influence on absorption and pharmacological activity. The fact that many methods have been used by various investigators makes quantitative comparisons difficult.

Δ^9-THC is the primary active ingredient of marijuana that produces the subjective ''high'' associated with smoking the plant material and is the chemical basis for cannabis abuse. Studies in several species of laboratory animals, including rhesus monkeys, rats and pigeons, have found pharmacological specificity for Δ^9-THC at the cannabinoid receptors, and for cannabinoid drugs that bind with high affinity to brain cannabinoid receptors, and is psychoactive in humans and animals (Browne and Weissman, 1981; Balster and Prescott, 1992; Compton *et al.,* 1993; Wiley *et al.,* 1995a,b). In general, the doses that produce its acute therapeutic effects and its cannabimimetic effects are similar (Devine *et al.,* 1987; Consroe and Sandyk, 1992).

Central Nervous System Effects

It has been reported that in man, doses above 1 milligram of Δ^9-THC absorbed by smoking marijuana are sufficient to cause a ''high'' (Agurell *et al.,* 1986). Further, Agurell *et al.* (1986) suggested based on mouse data, that a pronounced ''high'' would be caused by the presence of as little as 10 micrograms of Δ^9-THC in the brain, immediately after smoking a marijuana cigarette. These conclusions, based on a diverse array of pharmacokinetic studies, suggest that ''fiber-type'' marijuana clearly has the capacity to deposit these levels of THC into the brain of man soon after smoking a 1% THC-containing marijuana cigarette (assuming the typical ''joint'' of 1 g, with 10mg THC). Δ^9-THC exerts its most prominent effects on the CNS and the cardiovascular system.

Administration of Δ^9-THC via smoked cannabis is associated with decrements in motivation, cognition, judgement, memory, motor coordination, and alterations in perception (especially time perception), sensorium, and mood (cf., Jaffe, 1993). Most commonly Δ^9-THC produces an increase in well-being and euphoria accompanied by feelings of relaxation and sleepiness. The consequences produced by Δ^9-THC-induced behavioral impairments can greatly impact the public health and safety, given that individuals may be

attending school, working, or driving a motor vehicle under the influence of the drug (*i.e.,* marijuana).

Preclinical studies show that Δ^9-THC produces decrements in short-term memory, as evidenced by disruptions in acquisition and performance of maze behavior, conditioned emotional responses, and passive avoidance responses, impairment on the retention in delayed matching and alternation tests, and increases in resistance to extinction (Drew and Miller, 1974, Nakamura *et al.,* 1991; Jäarbe and Mathis, 1992; Lichtman and Martin, 1996). Recent studies in rats found that these Δ^9-THC-induced impairments in spatial working memory were reversible after long abstinence (Nakamura *et al.,* 1991) and can be blocked by the cannabinoid receptor antagonist SR141716A (Lichtman and Martin, 1996).

Memory disturbances are one of the well-documented effects of ''Δ^9-THC and marijuana on human behavior (Mendelson *et al.,* 1974; Jaffe, 1993; Hollister, 1986; Chait and Pierri, 1992). Clinical investigators of Δ^9-THC and marijuana's effects in memory have suggested that the drug produces a deficit in memory for recent events, and inhibition of the passage of memory from short-term to long-term storage (Drew and Miller, 1974; Darley 1973a,b).

Heishman, Huestis, Henningfield, & Cone (1990) demonstrated cognitive performance decrements in marijuana smokers. Performance remained impaired on arithmetic and recall tests on the day after smoke administration. The authors suggested that performance decrements from smoking two to four marijuana cigarettes may be evident for 24 to 31 hours. These data identify a particular set of performance decrements which characterize a marijuana-induced abstinence syndrome in man.

Cardiovascular Effects

In humans, Δ^9-THC produces an increase in heart rate, an increase in systolic blood pressure while supine, decreases in blood pressure while standing, and a marked reddening of the conjunctivae (cf., Jaffe, 1993). The increase in heart rate is dose-dependent and its onset and duration varies but lags behind the peak of Δ^9-THC levels in the blood.

Respiratory Effects

Marijuana smoking produces inflammation, edema, and cell injury in the tracheobronchial mucosa of smokers and may be a risk factor for lung cancer (Sarafian *et al.,* 1999). Smoke from marijuana has been shown to stimulate intermediate levels of reactive oxygen species. A brief, 30-minute exposure to marijuana smoke, regardless of the THC content, also induced necrotic cell death that increased steadily up to 48 hours after administration. Sarafian *et al.,* concluded that marijuana smoke containing THC is a potent source of cellular oxidative stress that could contribute significantly to cell injury and dysfunction in the lungs of smokers.

The low incidence of carcinogenicity may be related to the fact that intoxication from marijuana does not require large amounts of smoked material. This may be especially true today since marijuana has been reported to be more potent now than a generation ago and individuals typically titrate their drug consumption to consistent levels of intoxication. However, several cases of lung cancer in young marijuana users with no have been reported (Fung *et al.,* 1999).

However, a recent study (Zhang *et al.,* 1999, below) has suggested that marijuana use may dose-dependently interact with mutagenic sensitivity, cigarette smoking and alcohol use to increase the risk of head and neck cancer. THC is known to suppress macrophage natural killer cells and T-lymphocytes and reduce resistance to viral and bacterial infections. As shown below, Zhu *et al.,* demonstrated that THC probably interacts with the T-cell cannabinoid CB2 receptor to produce these effects. As shown in the figure, below, these researchers found that THC promoted tumor growth in two immunocompetent mice lines. In two different weakly immunogenic murine lung cancer models, intermittent administration of THC led to accelerated growth of tumor implants compared with treatment with placebo alone. The immune inhibitory cytokines IL–10 and TGF-beta were augmented, while IFN-gamma was down-regulated at both the tumor site and in the spleens of THC-treated mice. This has been the first clear demonstration that THC promotes tumor growth and supports the epidemiological evidence of an increased risk of cancer among marijuana smokers.

In a recent comprehensive review of the existing literature base, Carriot & Sasco (2000) reported that users under the age of 40 years of age were more susceptible to squamous-cell carcinoma of the upper aerodigestive tract, particularly of the tongue and larynx, and possibly the lung. Others tumors being suspected are non-lymphoblastic acute leukemia and astrocytoma. In head and neck cancer carcinogenicity was observed for regular (*i.e.* more than once a day for years) cannabis smokers. Moreover, cannabis increases the risk of head and neck cancer in a dose-response manner for frequency and duration of use. THC seems to have a specific carcinogenic effect different from that of the pyrolysis products produced by (nicotine) cigarette smoking.

(3) The State of Current Scientific Knowledge Regarding the Drug or Other Substance

In general, the petitioner argues that the chemistry, toxicology and pharmacology of marijuana has been subjected to extensive study and peer review, and have been well characterized in the scientific literature. In addition, the discovery of the cannabinoid receptor has shed new light on the effects of marijuana and its mechanism of action.

The literature cited by the petitioner (Tashkin *et al.,* 1987, 1988, 1990, 1991, 1993; Barbers *et al.,* 1991; Sherman *et al.,* 1991a, 1991b; Wu *et al.,* 1992) provide data about the effects of marijuana smoke on the lungs, which, by the petitioner's own admission, is inherently unhealthy. Data show that smoking marijuana is associated with more tar than cigarettes and holding your breath (a common practice of marijuana smokers) increases carbon monoxide concentration. His assertion that Schedule I policy makes promoting safer marijuana smoking habits impossible has no basis in law (exact citations are found in petition).

Pulmonary effects of smoked marijuana include bronchodilation after acute exposure. Chronic bronchitis and pharyngitis are associated with repeated pulmonary illness. With chronic marijuana smoking, large airway obstruction and cellular inflammatory abnormalities appear in bronchial epithelium (Adams and Martin, 1996). Chronic marijuana use is associated with the same types of health problems as cigarette smoking: increased frequency of bronchitis, emphysema and asthma. The ability of alveolar macrophages to inactivate bacteria in the lung is impaired. Local irritation and narrowing of airways also contribute to problems in these patients.

Work by Perez-Reyes *et al.* (1991) and Agurell *et al.* (1989) provides data about the pharmacokinetics of THC from smoked marijuana.

When marijuana is smoked, THC in the form of an aerosol in the inhaled smoked is absorbed within seconds and delivered to the brain rapidly and efficiently. Peak venous blood levels 75–150 ng/ml usually occur by the end of smoking a cigarette and level of THC

in the arterial system is probably much higher (Agurell *et al.*, 1986).

Toxicity by definition is the ability of an agent to produce injury or cause harm (morbidity/mortality). It is not clear that the effects of marijuana use are ''well-established,'' but what is known about the psychoactive effects, lung effects, endocrine effects *etc.* would suggest that smoking marijuana is not benign.

The cardiovascular effects of smoked or oral marijuana have not presented any health problems for healthy and relatively young users. However, marijuana smoking by older patients, particularly those with some degree of coronary artery disease, is likely to pose greater risks because of the resulting increased cardiac work, increased catecholamines, carboxyhemoglobin and postural hypotension (Benzowitz and Martin, 1996; Hollister, 1988).

The endocrine system effects include moderate depression of spermatogenesis and sperm motility and decrease in plasma testosterone on males. Prolactin, FSH, LH, and GH levels are decreased in females (Mendelson and Mello, 1984). Relatively little study has been done on human female endocrine or reproductive function.

THC and other cannabinoids in marijuana have immunosuppressant properties producing impaired cell-mediated and humoral immune system responses. THC and other cannabinoids suppress antibody formation, cytokine production, leukocyte migration and killer-cell activity (Adams and Martin, 1996).

Marijuana may cause membrane perturbations in cells. At the marijuana conference in July, 1995 sponsored by NIH, NIDA and DHHS, Dr. Cabral stated that THC effects body functions by accumulating in fatty tissue. While a receptor-based mechanism of action has been determined, localized and characterized it is not clear that this necessarily negates membrane (high fatty acids) effects.

Mechanisms for marijuana's psychoactive effects were thought to be through interactions of the lipid component of cell membranes. The discovery of the cannabinoid receptor has changed that thinking and it is now believed that most of the effects of marijuana are mediated through cannabinoid receptors. Receptors are located in brain areas concerned with memory, cognition and motor coordination. An endogenous ligand, anandamide, has been identified but not studied in humans (Thomas *et al.* 1996). A specific THC antagonist, SR141716A, produces intense withdrawal signs and behaviors in rodents that have been exposed to THC for even a relatively short period of time (Adams and Martin, 1996). Clinical pharmacology of the antagonist has not been studied in humans.

Most of what is known about human pharmacology of smoked marijuana comes from experiments with plant material containing about 2 percent THC or less. Very few controlled studies have been done with elderly, inexperienced or unhealthy users and data suggest that adverse effects may differ from healthy volunteers (Hollister 1986, 1988).

Most of what is written about the pharmacological effects of marijuana is inferred from experiments on pure THC. The amount of Cannabidiol and other cannabinoids in smoked marijuana could modify the effects of THC.

Tolerance to marijuana's psychoactive effect probably results from down regulation of cannabinoid receptors which is a form of desensitization of neuronal cells. In general, tolerance to marijuana's effects is often associated with an increased dependence liability. Data indicate that people escalate the amount of marijuana they smoke and continue to use marijuana despite negative consequences. These are classic signs of developing dependence.

After repeated smoked or oral marijuana doses, marked tolerance is rapidly acquired to many of marijuana's effects: cardiovascular, autoimmune and many subjective effects. After exposure is stopped, tolerance is lost with similar rapidity (Jones *et al.*, 1981)

Withdrawal symptoms and signs appearing within hours after cessation of repeated marijuana use have been reported in clinical settings (Duffy and Milan, 1996; Mendelson *et al.,* 1984). Typical symptoms and signs were restlessness, insomnia, irritability, salivation, diarrhea, increased body temperature and sleep disturbances (Jones *et al.*, 1981).

Data on the immune system indicates that marijuana does effect the body's ability to resist microbes including bacteria, viruses and fungi and decreases the body's antitumor activity. THC effects macrophages, T-lymphocytes and B-lymphocyts. A THC receptor has been found in the spleen. These effects may be receptor mediated. In a person with compromised immune function marijuana could pose a health risk.

Acute effects of transient anxiety, panic, feelings of depression and other dysphoric moods have been reported by 17 percent of regular marijuana users in a large study (Tart, 1971). Whether marijuana can produce lasting mood disorders or schizophrenia is less clear (IOM, 1982). Chronic marijuana use can be associated with behavior characterized by apathy and loss of motivation along with impaired educational performance (Pope and Yurgelun-Todd, 1996).

DEA has found that since HHS's last medical and scientific evaluation on marijuana (1986), there have been a significant number of new findings relating to THC:

1. Cannabinoid receptors have been identified in the brain and spleen;
2. The CNS cannabinoid receptor has been cloned;
3. An endogenous arachidonic acid derivative ligand (anandamide) has been identified;
4. A high density of cannabinoid receptors have been located in the cerebral cortex, hippocampus, striatum and cerebellum; and
5. An antagonist to the cannabinoid receptor has been developed

In addition, a significant body of literature has been amassed regarding the effects of marijuana.

For example:

1. Studies on the acute and chronic effects of marijuana on the endocrine system;
2. Effect of marijuana on learning and memory;
3. Effect of marijuana on pregnant females and their offspring development;
4. Effect on the immune system;
5. Effect on the lungs; and
6. Effects of chronic use with regard to tolerance, dependence and ''amotivational syndrome.''

While many of the petitioner's arguments are based on new research findings, the interpretation of those findings requires clarification.

As was pointed out by the NIH expert committee on the medical utility of marijuana, marijuana is not a single drug. It is a variable and complex mixture of plant parts with a varying mix of biologically active material. Characterizing the clinical pharmacology is difficult especially when the plant is smoked or eaten. Some of the inconsistency or uncertainty in scientific reports describing the clinical pharmacology of marijuana results from the inherently variable potency of the plant material. Inadequate control over drug dose together with the use of research subjects with variable experience in using marijuana contributes to the uncertainty about what marijuana does or does not do.

There are studies in the scientific literature that have evaluated dose-related subjective and reinforcing effects of Cannabis sativa in humans. These

studies have assessed the subjective and reinforcing effects of cannabis cigarettes containing different potencies of THC and/or which have manipulated the THC dose by varying the volume of THC smoke inhaled (Azorlosa *et al.,* 1992; Lukas *et al.,* 1995; Chait *et al.,* 1988; Chait and Burke, 1994; Kelly *et al.,* 1993; Kipplinger *et al,* 1971, Manno *et al.,* 1970).

Chait *et al.* (1988) studied the discriminative stimulus effects of smoked marijuana cigarettes containing THC contents of 0%, 0.9%, 1.4%, 2.7%. Marijuana smokers were trained to discriminate smoked marijuana from placebo using 4 puff of a 2.7%-THC cigarettes. Subjective ratings of ''high'', mean peak ''high'' scores, and physiological measures (*i.e.,* heart rate) were significantly and dose-dependently increased after smoking the 0.9%, 1.4%, 2.7%. Marijuana cigarettes containing 1.4% THC completely substituted for 2.7%-THC on drug identification tasks, however, 0.9%-THC did not. The authors found that the onset of discriminative stimulus effects was within 90 seconds after smoking began (after the first two puffs). Since the 1.4%-THC cigarette substituted for 2-puffs of the 2.7%-THC cigarette, the authors estimate that an inhaled dose of THC as low as 3 mg can produce discriminable subjective effects.

Similarly, Lukas *et al.* (1995) reported that marijuana cigarettes containing either 1.26% or 2.53% THC produced significant and dose-dependent increases in level of intoxication and euphoria in male occasional marijuana smokers. Four of the six subjects that smoked the 1.26%-THC cigarette reported marijuana effects and 75% of these subjects reported euphoria. All six of the subjects that smoked 2.53% THC reported marijuana effects and euphoria. Peak levels of self-reported intoxication occurred at 15 and 30 minutes after smoking and returned to control levels by 90–105 minutes. There was no difference between latency to or duration of euphoria after smoking either the 1.26% or 2.53% THC cigarettes. The higher dose-marijuana cigarette produced a more rapid onset and longer duration of action than the lower dose marijuana cigarette (1.26% THC). Plasma THC levels peaked 5–10 minutes after smoking began; the average peak level attained after the low- and high-dose marijuana cigarette was 36 and 69 ng/ml respectively.

In order to determine marijuana dose-effects on subjective and performance measures over a wide dose range, Azorlosa *et al.* (1992) evaluated the effects of 4, 10, or 25 puffs from marijuana cigarettes containing 1.75 or 3.55% THC in seven male moderate users of marijuana. Orderly dose-response curves were produced for subjective drug effects, heart rate, and plasma concentration, as a function of THC content and number of puffs. After smoking the 1.75% THC cigarette, maximal plasma THC levels were 57 ng/ml immediately after smoking, 18.3 ng/ml 15 minutes after smoking, 10.3 ng/ml 30 minutes after smoking, and 7.7 ng/ml 45 minutes after smoking.

The study also show that subjects could smoke more of the low THC cigarette to produced effects that were similar to the high THC dose cigarette (Azorlosa *et al.,* 1992). There were nearly identical THC levels produced by 10-puff low-THC cigarette (98.6 ng/ml) and 4-puff high THC cigarette (89.4 ng/ml). Similarly, the subjective effects ratings, including high, stoned, impaired, confused, clear-headed and sluggish, produced under the 10 puff low- and high-THC and 25 puff low-THC conditions did not differ significantly from each other.

As with most drugs of abuse, higher doses of marijuana are preferred over lower dose. Although not preferred, these lower doses still produce cannabimimetic effects. Twelve regular marijuana smokers participated in a study designed to determine the preference of a low potency (0.64%-THC) vs. a high potency (1.95%-THC) marijuana cigarette (Chait and Burke, 1994). The subjects first sampled the marijuana of two different potencies in one session, then chose which potency and how much to smoke. During sampling sessions, there were significant dose-dependent increases in heart rate and subjective effects, including ratings of peak ''high'', strength of drug effects, stimulated, and drug liking. During choice sessions, the higher dose marijuana was chosen over the lower dose marijuana on 87.5% of occasions. Not surprising, there was a significant positive correlation between the total number of cigarettes smoked and the ratings of subjective effects, strength of drug effect, drug ''liking'', expired air carbon monoxide, and heart rate increases. The authors state it is not necessary valid to assume that the preference observed in the present study for the high-potency marijuana was due to greater CNS effects from its higher THC content. The present study found that the low- and high-potency marijuana cigarettes also differ on several sensory dimensions; the high-potency THC was found to ''fresher'' and ''hotter''. Other studies found that marijuana cigarettes containing different THC contents varied in sensory dimensions (cf., Chait *et al.,* 1988; Nemeth-Coslett *et al.,* 1986).

As described above in Factors 1 and 2, there are data to show that the effects of THC are dose-dependent and several studies have found that low-potency THC is behaviorally active and can produce cannabimimetic-like subjective and physiological effects. Preclinical and clinical experimental data demonstrate that marijuana and Δ^9-THC have similar abuse liabilities (*i.e.,* drug discrimination, self-administration, subjective effects). Both preclinical and clinical studies show that discontinuation of either marijuana and Δ^9-THC administration produces a mild withdrawal syndrome. Most of what is known about human pharmacology of smoked marijuana comes from experiments with plant material containing about 2–3% percent THC or less, in cigarette form provided by NIDA (cf., NIDA, 1996). Very few controlled studies have been done with elderly, inexperienced or unhealthy users and data suggests that adverse effects may differ from healthy volunteers (Hollister 1986, 1988).

Cannabidiol (CBD) does not have psychotomimetic properties and does not appear to produce a subjective ''high'' in human subjects (Musty, 1984). This does not mean that CBD does not have CNS effects or that it does not contribute to the subjective high produced by the cannabinoids. CBD has been clearly shown to have anti-convulsant effects as demonstrated by several techniques such as electroshock-induced seizures, kindled seizures, pentylenetetrazole-induced seizures (Carlini *et al.,* 1973; Izquierdo & Tannhauser, 1973). The suggestion that CBD does not have abuse liability is based in part on the findings that CBD does not produce THC-like discriminative stimulus effects in animals (Ford, Balster, Dewey, Rosecrans, & Harris, 1984; but see below). However, these tests were conducted with CBD administered alone and at only one or two time-points (however, see Jarbe below). The normal route of administration of THC and CBD in humans is by smoking. This mode of administration provides a variable proportion of cannabinoid ratios to the individual subject. As stated above, the chemistry of marijuana is not just the chemistry of Δ^9-THC , but at a minimum, a combination of cannabinoids. According to Turner (1980) kinetic interactions have been reported to occur among the cannabinoids since the early 1970s. Control studies with varying ratios of cannabinoid administrations and

complete time-effect functions have still not been conducted.

Domino, Domino, & Domino (1984) have shown that the rate-of-change of the subjective high after marijuana administration does not follow the rate-of-change of plasma or brain THC levels. While plasma THC function show a sharp ascending limb and exponential decline after administration, the subjective ''high'' peaks after the peak in THC and shows a protracted slow decline. The proportional ratios between the cannabinoids and their metabolites in inhaled marijuana, acting as entourage substances, may have emergent properties that cannot be ascribed to any one component of the complex stimulus administered in the smoke (Gauvin & Baird, 1999). These cannabinoid ratios may play a critical role in the initiation, maintenance, and relapse of marijuana smoking.

CBD has been clearly shown to have anxiolytic (Guimães *et al,* 1990, 1994; Musty, 1984; Onaivi, Green, & Martin, 1990; Zuardi *et al.,* 1982) and antipsychotic (Zuardi *et al.,* 1995; Zuardi, Antunes Rodrigues, & Cunha, 1991) effects in both animal and man. In the sense that many studies which have examined the subjective profiles of marijuana have demonstrated an ''anxiety'' component to THC and marijuana use, it should not be surprising that CBD's anxiolytic effects block some of these discriminative properties. However, it should not be concluded from these results that CBD's anxiolytic properties do not have or cannot acquire reinforcing efficacy. It has been suggested that the affective baseline of the drug abuser plays a critical role in the stimulus properties of drugs (Gauvin, Harland, & Holloway, 1989). The anxiolytic properties of CBD may serve to diminish the anxiety states associated with many psychopathological states, thus effectively functioning as a ''negative reinforcer''. As such, CBD may function to increase the likelihood of its administration by its ability to remove the negative affective states in anxious patients. A number of authors have summarized the process by which marijuana smokers ''learn to get high'' (cf. Jones, 1971, 1980; Cappell & Pliner, 1974). Karniol *et al.,* (1974) have clearly demonstrated that the co-administration of CBD with THC actually blocks the anxiety induced by Δ^9-THC, leaving the subjects less tense and potentiating the reinforcing effects of the THC as demonstrated by the subjects verbal reports of enjoying the experience even more. Very few experienced marijuana smokers report symptoms of anxiety (cf Jones, 1971, 1980; Petersen, 1980). The relief of the anxiety and/or psychotomimetic properties of THC by the co-administration of CBD may effectively function as a ''negative reinforcer'', increasing the likelihood of continued abuse.

Other studies have reported that cannabidiol has cannabinoid properties, including anticonvulsant effects in animal and human models (Consroe *et al.,* 1981; Carlini *et al.,* 1981; Doyle and Spence, 1995), hypnotic effects (Monti *et al.,* 1977), and rate-decreasing effects on operant behavior (Hiltunen *et al.,* 1988). Experiments with cannabidiol in combination with THC have found that certain behavioral responses induced by THC (*i.e.,* operant, schedule-controlled responding) were attenuated by cannabidiol (Borgen and Davis, 1974; Brady and Balster, 1980; Consroe *et al.,* 1977; Dalton *et al.,* 1976; Karniol and Carlini, 1973; Karniol *et al.,* 1974; Welburn *et al.,* 1976; Zuardi and Karniol, 1983; Zuardi *et al.,* 1981, 1982; Hiltunen *et al.,* 1988). However, other affects produced by THC are augmented or prolonged by the combined administration of CBD and THC or marijuana extract (Chesher and Jackson, 1974; Hine *et al.,* 1975a,b; Fernandes *et al.,* 1974; Karniol and Carlini, 1973; Musty and Sands, 1978; Zuardi and Karniol, 1983; Zuardi *et al.,* 1984). Still other studies did not report any behavioral interaction between the CBD and THC (Bird *et al.,* 1980; Browne and Weissman, 1981; Hollister and Gillespie, 1975; Järbe and Henricksson, 1974; Järbe *et al.,* 1977; Mechoulam *et al.,* 1970; Sanders *et al.,* 1979; Ten Ham and DeLong, 1975).

A study to characterize the interaction between CBD and THC was conducted using preclinical drug discrimination procedures. Rats and pigeons trained to discriminate the presence or absence of THC, and tested with CBD administered alone and in combinations with THC (Hiltunen and Järbe, 1986). Specifically, in rats trained to discriminate 3.0 mg/kg, i.p. THC, CBD (30.0 mg/kg) was administered alone and in combination with THC (0.3 and 1.0 mg/kg, i.p.). In pigeons trained to discriminate 0.56 mg/kg, i.m. THC, CBD (17.5 mg/kg) was administered alone and in combination with THC (0.1, 0.3, and 0.56 mg/kg, i.m.). CBD prolonged the discriminative stimulus effects of THC in rats, but did not change the time-effect curve for THC in pigeons. In pigeons, the administration of CBD did not produce any differential effect under a fixed ratio schedule of reinforcement (Hiltunen and Järbe, 1986).

These data suggest that CBD may somehow augment or prolong the actions of THC in rats and had no effect in pigeons. In the present study, the CBD/THC ratios ranged from 30:1 to 100:1 in rats and enhanced the stimulus effects of THC. However, similar CBD/THC ratios in pigeons (31:1, 58:1 and 175:1) did not result in any changes to THC's discriminative stimulus or response rate effects (Hiltunen and Järbe, 1986).

In conclusion, although cannabidiol does contribute to the other effects of cannabis, it appears to lack cannabimimetic properties. In addition, there does not appear to be a scientific consensus that cannabidiol pharmacologically antagonizes, in a classic sense, the effects of THC. Certain functional blockades have been demonstrated. As presented in the scientific literature cited above, the ability of cannabidiol to modify the effects of THC may be specific to only some effects of THC. Most importantly, CBD appears to potentiate the euphorigenic and reinforcing effects of THC which suggests that the interaction between THC and CBD is synergistic and may actually contribute to the abuse of marijuana.

(4) Its History and Current Pattern of Abuse

The federal databases documenting the actual abuse of marijuana are distributed and maintained by the HHS, therefore, we acknowledge and concur with HHS's review of this factor analysis.

(5) The Scope, Duration, and Significance of Abuse

The basis of the petition to remove marijuana from Schedules I and II is not based on data required by 21 U.S.C. 811 (c) (*i.e.,* the scope, duration, and significance of use of the substances).

The petitioner seems to assume that the concept, use of an illegal substance is abuse of that substance, is a concept which is universally held to the exclusion of any other definition of abuse of a substance. While this concept is valid in general terms because marijuana is not a legitimately marketed product therefore it has no legitimate use, holding that all adhere to this definition of abuse denigrates the intellectual capacity of all researchers who investigate the topic. The petitioner neglects to recognize the efforts of the DHHS and many groups which expend a great deal of time and money in research efforts directed toward developing and implementing drug-abuse prevention programs. The petitioner also rejects the notion that there are individuals who abuse marijuana even though the National Household Survey, to which the

petitioner refers, would indicate that is the case.

It has not been established that marijuana is effective in treating any medical condition. (NIH Workshop on the Medical Utility of Marijuana, 1997) At this time, there is no body of knowledge to which a physician can turn to learn which medical condition in which patient will be ameliorated at which dosage schedule of smoked marijuana nor can he/she determine in which patient the benefits will exceed the risks associated with such treatment. The petitioner, therefore, is advocating that individuals become their own physicians, a notion that even primitive man found unsatisfactory.

There is nothing absolute in the placement of a substance into a particular CSA schedule. The placement of a substance in a CSA schedule is the government's mechanism for seeing that the availability of certain psychoactive substances is limited to the industrial, scientific and medical needs which are accepted as being legitimate. The placement of a substance into Schedule I does not preclude research of that substance, nor does it preclude development of a marketable product. The National Institute on Drug Abuse, an element of the Department of Health and Human Services, convened a conference in 1995 and with NIDA's parent organization, the National Institutes of Health, assembled an ad hoc group of experts in 1997 to address issues related to the use, abuse, and medical utility of marijuana. With regard to the medical utility of marijuana, the experts concluded that the scientific process should be allowed to evaluate the potential therapeutic effects of marijuana for certain disorders, dissociated from the societal debate over the potential harmful effects of nonmedical marijuana use. All decisions on the ultimate usefulness of a medical intervention are based on a benefit/risk calculation, and marijuana should be no exception to this generally accepted principle.

The cause and effect relationship which the petitioner poses is neither substantiated nor relevant. Estimates are useful when attempting to allocate resources but they are not necessary for effective eradication of marijuana. Each year, millions of plants are destroyed before their product reaches the market. In addition, federal law enforcement activities result in the seizure of another million or more pounds of product annually.

As reviewed by Gledhill, Lee, Strote, & Wechsler (2000), rates of illicit drug use, especially marijuana, have risen uniformly among the youth in the United States in the past decade and remained steady at the end of the 1990s despite efforts to reduce prevalence. Between 1991 and 1997, rates of past 30-day marijuana use had more than doubled among U.S. 10th grade secondary school students and more than tripled among seniors, after a decade of decline. Between 1997 and 1999, rates of marijuana use among secondary school students declined for the first time in the 1990s mainly among the older students (16–17 yrs old).

Disturbing are the findings that marijuana use is steadily increasing among 8th, 10th and 12th graders at all prevalence levels. According to the 1996 survey results from the Monitoring the Future Study, 45% of seniors and 35% of 10th graders claimed to have used marijuana at least once. Among eighth graders, annual prevalence rates more nearly tripled 1992 to 1996. Accompanying the increased use of marijuana among High School seniors is a decreasing perceived risk or harm of marijuana use (Johnston *et al.,* 1996). In reality, the harm associated with the abuse of marijuana is increasing; the marijuana emergency room and treatment admission rates continue to increase in recent years.

Gledhill-Hoyt, Lee, Strote, & Wechsler (2000) examined rates and patterns of marijuana use among different types of students and colleges in 1999, and changes in use since 1993. 15,403 students in 1993, 14,724 students in 1997, and 14,138 students in 1999 were assessed. The prevalence of past 30-day and annual marijuana use increased in nearly all student demographic subgroups, and at all types of colleges. Nine out of 10 students (91%) who used marijuana in the past 30 days had used other illicit drugs, smoked cigarettes, and/or engaged in binge drinking. Twenty-nine percent of past 30-day marijuana users first used marijuana and 34% began to use marijuana regularly at or after the age of 18, when most were in college.

Coffey, Lynskey, Wolfe, & Patton (2000) examined predictors of cannabis use initiation, continuity and progression to daily use in adolescents. Over 2,000 students were examined. Peer cannabis use, daily smoking, alcohol use, antisocial behavior and high rates of school-level cannabis use were associated with middle-school cannabis use and independently predicted high-school uptake. Cannabis use persisted into high-school use in 80% of all middle-school users. Middle-school use independently predicted incidents in high-school daily use in males, while high-dose alcohol use and antisocial behavior predicted incidence of daily use in high school females. The authors also found that cigarette smoking was an important predictor of both initiation and persisting cannabis use.

Farrelly *et al.,* (2001) reviewed the NHSDA from 1990 through 1996 and compared those statistics with State law enforcement policies and prices that affect marijuana use in the general public. These authors found evidence that both higher fines for marijuana possession and increased probability of arrest decreased the probability that a young adult will use marijuana. These new data refute the petitioner's suggestion that legal control of marijuana does not have a dampening effect on its use.

(6) What, if any, Risks are There to Public Health

There are human data demonstrating that marijuana and Δ^9-THC produce an increase in heart rate, an increase in systolic blood pressure while supine, and decreases in blood pressure while standing (cf., Jaffe, 1993). The increase in heart rate is dose-dependent and its onset and duration correlate with levels of Δ^9-THC in the blood.

When DEA evaluates a drug for control or rescheduling, the question of whether the substance creates dangers to the public health, in addition to, or because of, its abuse potential must be considered. A drug substances' risk to the public health manifests itself in many ways. Abuse of a substance may affect the physical and/or psychological functioning of an individual abuser. In addition, it may have disruptive effects on the abuser's family, friends, work environment, and society in general. Abuse of certain substances leads to a number of antisocial behaviors, including violent behavior, endangering others, criminal activity, and driving while intoxicated. Data examined under this specific factor of the CSA ranges from preclinical toxicity to postmarketing adverse reactions in humans. DEA reviews data from many sources, including forensic laboratory analyses, crime laboratories, medical examiners, poison control centers, substance abuse treatment centers, and the scientific and medical literature.

Adverse effects associated with marijuana and THC as determined by clinical trials, FDA adverse drug effects and World Health Organization data, are described elsewhere (cf., Chait and Zacny, 1988; Chait and Zacny, 1992; Cone *et al.,* 1988; and Pertwee, 1991). A recent press release from the Substance Abuse and Mental Health Service Administration reported that adolescents, age 12 to 17, who use

marijuana weekly are nine times more likely than non-users to experiment with illegal drugs or alcohol; six times more likely to run away from home; five times more likely to steal; nearly four times more likely to engage in violence; and three times more likely to have thoughts about committing suicide. It was also reported that adolescents also associated social withdrawal, physical complaints, anxiety, and depression, attention problems, and thoughts of suicide with past-year marijuana use (SAMHSA, 1999). Budney, Novy, & Hughes (1999) have recently examined the withdrawal symptomology in chronic marijuana users seeking treatment for their dependence. The majority of the subjects (85%) reported that they had experienced symptoms of at least moderate severity and 47% experienced greater than four symptoms rated as severe. The most reported mood symptoms associated with the withdrawal state were irritability, nervousness, depression, and anger. Some of the behavioral characteristics of the marijuana withdrawal syndrome were craving, restlessness, sleep disruptions, strange dreams, changes in appetite, and violent outbursts. These data clearly support the validity and clinical significance of a marijuana withdrawal syndrome in man.

Toxic Effects of Marijuana and THC

Although a median lethal dose (LD_{50}) of THC has not been established in humans, it has been found in laboratory animals (Phillips *et al.,* 1971). In mice, the LD_{50} for THC was 481.9, 454.9 and 28.6 mg/kg after oral, intraperitoneal, and intravenous routes of administration. In rats, the LD_{50} for THC (extracted from marijuana) was 666.0, 372.9 and 42.5 mg/kg after oral, intraperitoneal, and intravenous routes of administration. Another study examined the toxicity of THC in rats, dogs and monkeys (Thompson *et al.,* 1972). Similarly this study found that in rats, the LD_{50} for THC was 1140.0, 400.0 and 20.0 mg/kg after oral, intraperitoneal, and intravenous routes of administration. There was no LD_{50} attained in monkeys and dogs by the oral route. Over 3000 mg/kg of THC was administered without lethality to dogs and monkeys. A dose of about 1000 mg/kg was the lowest dose that caused death in any animal. Behavioral changes in the survivors included sedation, huddled postures, muscle tremors, hypersensitivity to sound and immobility.

The cause of death in the rats and mice after oral THC was profound depression leading to dyspnea, prostration, weight loss, loss of righting reflex, ataxia, and severe decreases in body temperature leading to cessation of respiration from 10 to 40 hours after a single oral dose (Thompson *et al.,* 1972). No consistent pathologic changes were observed in any organs. The cause of death in dogs or monkeys (when it rarely occurred) did not appear to be via the same mechanism as in the rats.

In humans, the estimated lethal dose of intravenous dronabinol [(−)-Δ^9-THC] is 30 mg/kg (2100 mg/70 kg). In antiemetic studies, significant CNS symptoms were observed following oral doses of 0.4 mg/kg (28 mg/70 kg) (PDR, 1997). Signs and symptoms of mild dronabinol intoxication include drowsiness, euphoria, heightened sensory awareness, altered time perception, reddened conjunctiva, dry mouth and tachycardia. Following moderate dronabinol intoxication patients may experience memory impairment, depersonalization, mood alterations, urinary retention, and reduced bowel motility. Signs and symptoms of severe dronabinol intoxication include decreased motor coordination, lethargy, slurred speech, and postural hypotension. Dronabinol may produce panic reactions in apprehensive patients or seizures in those with an existing seizure disorder (PDR, 1997).

Thus, large doses of THC ingested by mouth were not often associated with toxicity in dogs, nonhuman primates and humans. However, it did produce fatalities in rodents as a result of profound CNS depression. Thus, the evidence from studies in laboratory animals and human case reports indicates that the lethal dose of THC is quite large. The adverse effects associated with THC use are generally extensions of the CNS effects of the drug and are similar to those reported after administration of marijuana (cf., Chait and Zacny, 1988; Chait and Zacny, 1992; Cone *et al.,* 1988; and Pertwee, 1991).

Health and Safety Risks of Δ^9-THC Use

The recent Institute of Medicine report on the scientific basis for the medicinal use of cannabinoid products stated the following:

> Not surprisingly, most users of other illicit drugs have used marijuana first. In fact, most drug users begin with alcohol and nicotine before marijuana—usually before they are of legal age. In the sense that marijuana use typically precedes rather than follows initiation of other illicit drug use, it is indeed a ''gateway'' drug (Institute of Medicine Report 1999, p. ES.7).

Golub and Johnson (1994) examined the developmental pathway followed by a sample of persons who became serious drug abusers. Of the 837 persons sampled 84% had onset to more serious drugs by the time of the interviews. Most of the sample reported having used marijuana (91%). Two-thirds of the drug abusers reported having used marijuana prior to onset to more serious drugs and an additional 19% reported having onset to marijuana and more serious drugs in the same year. These data strongly suggest that marijuana does plan an important role on the pathway to more serious drugs use. Further, the proportion who onset to marijuana before or in the same year as more serious drugs was reported to have increased substantially with time from a low of 78% for persons born from 1928 to 1952 to 95% for the most recent birth cohort of the study (1968–1973). These findings further suggest that marijuana's role as a gateway to more serious substance sue has become more pronounced over time.

Ferguson & Horwood (2000) have examined the relationship between cannabis use in adolescence and the onset of other illicit drug use. Data were gathered over the course of a 21 year longitudinal study of a birth cohort of 1,265 children. By the age of 21, just over a quarter of this cohort reported using various forms of illicit drugs on at least one occasion. In agreement with the predictions of a ''stage-theory'' of the ''gateway hypothesis'' there was strong evidence of a temporal sequence in which the use of cannabis preceded the onset of the use of other illicit drugs. Of those reporting the use of illicit drugs, all but three (99%) had used cannabis prior to the use of other illicit drugs. However, the converse was not true and the majority (63%) of those using cannabis did not progress to the use of other forms of illicit drugs. In addition, to these findings there was a strong dose-response relationship between the extent of cannabis use and the onset of illicit drug use. The analysis suggested that those using cannabis in any given year on at least 50 occasions had hazards of using other illicit drugs that were over 140 times higher than those who did not use in the year. Furthermore, hazards of the onset of other illicit drug use increased steadily with increasing cannabis use. The very strong gradient in risk reflected the facts that: (1) Among non-users of cannabis the use of other forms of illicit drugs was almost non-existent and (2) among regular users of cannabis the use of other illicit drugs was common. To address the issue of ''confounding factors'', the associations between cannabis use and the onset of illicit drug use were adjusted for a series of

prospectively measured confounding factors that included measures of social disadvantage, family functioning, parental adjustment, individual characteristics, attitudes to drug use and early adolescent behavior. After adjustments for these factors, there was still evidence of strong dose-response relationships between the extent of cannabis use in a given year and the onset of illicit drug use—the hazards of the onset of illicit drug use was 100 times those of non-users.

Critics of the ''gateway theory'' point to the presence of other confounding factors and processes that encourage both cannabis use and other forms of illicit drug use. Despite these factors, the Ferguson & Horwood (2000) study provide a compelling set of results that support the hypothesis that cannabis use may encourage other forms of illicit drug use, including the following:

1. Temporal sequence: There was clear evidence that the use of cannabis almost invariably preceded the onset of other forms of illicit drug use.
2. Dose-Response: There was clear evidence of a very strong and consistent dose-response relationship in which increasing cannabis use was associated with increasing risks of the onset of illicit drug use.
3. Resilience to control for confounding: Even following control for a range of prospectively measured social, family and individual factors, strong and consistent associations remained between cannabis use and the onset of other forms of illicit drug use. And,
4. Specificity of associations: The association could not be explained as reflecting a more general process of transition to adolescent deviant behavior since even after control for contemporaneously assessed measures of juvenile offending, alcohol use, cigarette smoking, unemployment and related measures, strong and consistent relationships between cannabis use and the onset of other forms of illicit drugs remained.

A suggested view of the ''gateway hypothesis'' states that the use of cannabis may be associated with increasing risks of other forms of illicit drug use, with this relationship being mediated by affiliations with deviant peers and other non-observed processes that may encourage those who use cannabis (and particularly heavy users) to experiment with, and use, other illicit drugs.

While marijuana is clearly not the only gateway to the use of other illicit drugs it is one of the three most typical drugs in the adolescent's armamentarium. The increased avenues to imported and ''home-grown'' marijuana which contain behaviorally-active doses of THC and CBD pose a serious threat to the health and well-being of this dimension of society.

Taylor *et al.* (2000) evaluated the relationship between cannabis dependence and respiratory symptoms and lung function in young adults, 21 years of age, while controlling for the effects of cigarette smoking. The researchers found significant respiratory symptoms and changes in spirometry occur in cannabis-dependent individuals at age 21 years, even though the cannabis smoking history is of relatively short duration. The likelihood of reporting a broad range of respiratory symptoms was significantly increased in those who were either cannabis-dependent or smoked tobacco or both compared to non-smokers. The symptoms most frequently and significantly associated with cannabis dependence were early morning sputum production (144% greater prevalence than non-smokers). Overall, respiratory symptoms in study members who met strict criteria for cannabis dependence were comparable to those of tobacco smokers consuming 1–10 cigarettes daily. In subjects who were both tobacco users and were cannabis-dependent, some effects seem to be additive, notably early morning sputum production, which occurred 8 times more frequently than non-smokers.

One of the greatest concerns to society regarding Δ^9-THC is the behavioral toxicity produced by the drug. Δ^9-THC intoxication is associated with impairments in memory, motor coordination, cognition, judgement, motivation, sensation, perception and mood (cf., Jaffe, 1993). The consequences produced by Δ^9-THC-induced behavioral impairments can greatly impact the individual and society in general. These impairments result in occupational, household, or airplane, train, truck, bus or automobile accidents, given that individuals may be attending school, working, or operating a motor vehicle under the influence of the drug. In the most general sense, impaired driving can be seen as a failure to exercise the expected degree of prudence or control necessary to ensure road safety. The operations of a motor vehicle are clearly a skilled performance that requires controlled and flexible use of a person's intellectual and perceptual resources. Cannabis interferes with resource allocations in both cognitive and attentional tasks.

In 1999, Ehrenreich *et al.,* examined the detrimental effects of chronic interference by cannabis with the endogenous cannabinoid systems during peripubertal development in humans. As an index of cannabinoid action, visual scanning and other attentional factors were examined in 99 individuals who exclusively used cannabis. Early-onset cannabis use (onset before the age of 16) showed significant impairments in attention in adulthood. These persistent attentional deficits may interact with the activities of daily living, such as operating an automobile.

Kurzthaler *et al.*, (1999) examined the effects of cannabis on a cognitive test battery and driving performance skills. The demonstrated significant impairments in the verbal memory and the trail making tests in this study reflect parallel compromises in associative control that is acknowledged as a cognitive process inherent in memory function immediately after smoking cannabis. Applied to the question of driving ability, the authors suggest that the missing functions would signify that a driver under acute cannabis influences would not be able to use acquired knowledge from earlier experiences adequately to ensure road safety.

Recently, the National Highway Traffic Safety Administration (NHTSA; 1998, 1999, 2000) conducted a study with the Institute for Human Psychopharmacology at Maastricht University in The Netherlands. Low dose and high dose THC administered alone, and with alcohol were examined in two on-road driving situations: (1) The Road Tracking Test, measuring a driver's ability to maintain a constant speed of 62 mph and a steady lateral position between the boundaries of the right traffic lane; and (2) the Car Following Test, measuring a drivers' reaction times and ability to maintain distance between vehicles while driving 164 ft. behind a vehicle that executed a series of alternating accelerations and decelerations. Both levels of THC alone, and alcohol alone, significantly impaired performances on BOTH road tests compared with baseline. Alcohol and the high dose of THC produced 36% decrements in reaction time; because the test vehicles were traveling at 59 mph, the delayed reaction times meant that the vehicle traveled, on average, an additional 139 feet beyond the point where the subjects began to decelerate. Even the lower dose of THC by itself retarded reaction times by 0.9 seconds. The NHTSA concluded that even in low to moderate doses, marijuana impairs driving performance.

In a related analysis, Yesavage, Leirer, Denari, & Hollister (1985) examined the acute and delayed effects of smoking one marijuana cigarette containing 1.9% THC (19 mg of THC) on aircraft pilot performance. Ten private pilot licensed subjects were trained in a flight simulator prior to marijuana exposure. Flight simulator performance was

measured by the number of aileron (lateral control), elevator (vertical control) and throttle changes; the size of these control changes; the distance off the center of the runway on landing; and the average lateral and vertical deviation from an ideal glideslope and center line over the final mile of the approach. Compared to baseline performance, significant differences occurred in all variables at 1 and 4 hours after smoking, except for the numbers of throttle and elevator changes at 4 hours. Most importantly, at 24 hours after a single marijuana cigarette, there were significant impairments in the number and size of aileron (lateral control) changes, size of elevator changes, distance off-center on landing, and vertical and lateral deviations on approach to landing. Interestingly, despite these performance deficits, the pilots reported no significant subjective awareness of their impairments at 24 hours. It is noteworthy that a fatal crash in which a pilot had a positive THC screen involved similar landing misjudgments.

In addition to causing unsafe conditions, marijuana use results in decreased performance and lost productivity in the workplace, including injuries, absenteeism, and increased health care costs. A NIDA report on drugs in the workplace summarized the prevalence of marijuana use in the workplace and its impact on society. This report found that in 1989, one in nine working people (11%) reported current use of marijuana (Gust and Walsh, 1989). Recent DAWN data and other surveys indicate that marijuana use is increasing, especially among younger and working age individuals.

Bray, Zarkin, Ringwalt, & Qi (2000) estimated the impact of age of dropout on the relationship between marijuana use and high school dropouts using four longitudinal surveys from students in the Southeastern U.S. public school system. Their results suggested that marijuana initiation was positively related to high school dropout. Although the magnitude and the significance of the relationship varied with age of dropout and the other substances used, the overall effect represented an odds-ratio of approximately 2.3. These data suggest that an individual is approximately 2.3 times more likely to drop out of school than an individual who has not initiated marijuana use.

When DEA evaluates a drug for control or rescheduling, whether the substance creates dangers to the public health, in addition to or because of its abuse potential, must be considered. The risk to the public health of a substance may manifest itself in many ways. Abuse of a substance may affect the physical and/or psychological functioning of an individual abuser, it may have disruptive effects on the abuser's family, friends, work environment, and society in general. Abuse of certain substances leads to a number of antisocial behaviors, including violent behavior, endangering others, criminal activity, and driving while intoxicated. Data examined under this factor ranges from preclinical toxicity to postmarketing adverse reactions in humans. DEA reviews data from many sources, including forensic laboratory analyses, crime laboratories, medical examiners, poison control centers, substance abuse treatment centers, and the scientific and medical literature.

In its official report titled ''Marijuana and Medicine: Assessing the Science Base'', the Institute of Medicine highlighted a number of risks to the public health as a result of cannabis consumption:

(1) Cognitive impairments associated with acutely administered marijuana limit the activities that people would be able to do safely or productively. For example, no one under the influence of marijuana or THC should drive a vehicle or operate potentially dangerous equipment (Page 107).

(2) The most compelling concerns regarding marijuana smoking in HIV/AIDS patients are the possible effects of marijuana on immunity. Reports of opportunistic fungal and bacterial pneumonia in AIDS patients who used marijuana suggest that marijuana smoking either suppresses the immune system or exposes patients to an added burden of pathogens. In summary, patients with pre-existing immune deficits due to AIDS should be expected to be vulnerable to serious harm caused by smoking marijuana. The relative contribution of marijuana smoke versus THC or other cannabinoids is not known. (Page 116–117)

(3) DNA alterations are known to be early events in the development of cancer, and have been observed in the lymphocytes of pregnant marijuana smokers and in those of their newborns. This is an important study because the investigators were careful to exclude tobacco smokers; a problem in previous studies that cited mutagenic effects of marijuana smoke. (Page 118–119)

(4) * * * factors influence the safety of marijuana or cannabinoid drugs for medical use: the delivery system, the use of plant material, and the side effects of cannabinoid drugs. (1) Smoking marijuana is clearly harmful, especially in people with chronic conditions, and is not an ideal drug delivery system. (2) Plants are of uncertain composition, which renders their effects equally uncertain, so they constitute an undesirable medication. (Page 127)

(7) Its Psychic or Physiological Dependence Liability

The ''dopaminergic hypothesis of drug abuse'' is not the only explanation for the neurochemical actions of drugs. The nucleus accumbens/ventral striatum areas of the brain, typically referred to as simply the Nucleus Accumbens (NAc), represents a critical site for mediating the rewarding or hedonic properties of several classes of abused drugs, including alcohol, opioids, and psychomotor stimulants (Gardner & Vorel, 1998; Koob, 1992; Koob *et al.,* 1998; Wise, 1996; Wise & Bozarth, 1987). It is generally appreciated that all of these drugs augment extracellular dopamine levels in the NAc and that this action contributes to their rewarding properties. However, recent evidence also suggests that many drugs of abuse have dopamine-independent interactions with Nac neuronal activity (Carlezon & Wise, 1996; Chieng & Williams, 1998; Koob, 1992; Martin *et al.,* 1997; Yuan *et al.,* 1992). Recent studies conducted at the Cellular Neurobiology Branch of the NIDA by Hoffman & Lupica (2001) concluded that THC modulates NAc glutamatergic functioning of dopamine. These authors suggested that increases in Nac dopamine levels may be a useful neurochemical index of drug reward but do not fully account for the complex processing of fast synaptic activity by this neuromodulator in the Nac. Moreover, because both glutamatergic and GABAergic inputs to medium spiny neurons are directly inhibited by dopamine, as well as by drugs of abuse. It is likely that these effects contribute to the abuse liability of marijuana.

In addition, the petitioner's global statements about the role of dopamine, the reinforcing effects of marijuana and other drugs, and the predictive validity of animal self-administration studies with marijuana and abuse potential in humans are not supported by the scientific literature. For example:

(1) There are drugs that do not function through dopaminergic systems that are self-administered by animals and humans (*i.e.,* barbiturates, benzodiazepines, PCP).

(2) There are drugs that are readily self-administered by animals that are not abused by man (antihistamines)

(3) There are drugs that are abused by humans that are not readily self-administered by animals (hallucinogens and hallucinogenic phenethylamines, nicotine, caffeine).

(4) There are drugs that have no effect on dopamine that are self-administered

by animals and not abused by humans (*i.e.,* antihistamines).

Physical Dependence in Animals

Abrupt withdrawal from Δ^9-THC can produce a mild spontaneous withdrawal syndrome in animals, including increased motor activity and grooming in rats, decreased seizure threshold in mice and increased aggressiveness, irritability and altered operant performance in rhesus monkeys (cf., Pertwee, 1991). The failure to observe profound withdrawal signs following abrupt discontinuation of Δ^9-THC may be due to (1) its long half-life in plasma and (2) slowly waning levels of Δ^9-THC and its metabolites that continue to permit receptor adaptation.

Recently the discovery of a cannabinoid receptor antagonist demonstrates that a profound precipitated withdrawal syndrome can be produced in Δ^9-THC tolerant animals after twice daily injections (Tsou *et al.,* 1995) or continuous infusion (Aceto *et al.,* 1995, 1996). In rats continuously infused with low doses Δ^9-THC for four days, the cannabinoid antagonist precipitated a behavioral withdrawal syndrome, including scratching, face rubbing, licking, wet dog shakes, arched back and ptosis (Aceto *et al.,* 1996). This chronic low dose regimen consisted of 0.5, 1, 2, 4 mg/kg/day Δ^9-THC on days 1 through 4; 5 and 25-fold higher Δ^9-THC doses were used for the medium and high dose regimens, respectively. The precipitated withdrawal syndrome was dose-dependently more severe in the medium and high THC dose groups.

Physical Dependence in Humans

Signs of withdrawal have been demonstrated after studies with Δ^9-THC. Although the intensity of the withdrawal syndrome is related to the daily dose and frequency of administration, in general, the signs of Δ^9-THC withdrawal have been relatively mild (cf., Pertwee, 1991). This withdrawal syndrome has been compared to that of a short-term, low dose treatment with an opioid or ethanol, and includes changes in mood, sleep, heart rate body temperature, and appetite. Other signs such as irritability, restlessness, tremor mild nausea, hot flashes and sweating have also been noted (cf., Jones, 1983).

A withdrawal syndrome was reported after the discontinuation of oral THC in volunteers receiving dronabinol dosages of 210 mg/day for 12 to 16 consecutive days (PDR, 1997). This was 42-times the recommended dose of 2.5 mg, b.i.d. Within 12 hours after discontinuation, these volunteers manifested withdrawal symptoms such as irritability, insomnia, and restlessness. By approximately 24 hours after THC discontinuation, there was an intensification of withdrawal symptoms to include ''hot flashes'', sweating, rhinorrhea, loose stools, hiccoughs, and anorexia. These withdrawal symptoms gradually dissipated over the next 48 hours. EEG changes consistent with the effects of drug withdrawal (hyperexcitation) were recorded in patients after abrupt challenge. Patients also complained of disturbed sleep for several weeks after discontinuation of high doses of dronabinol. The intensity of the cannabinoid withdrawal syndrome is related by the chronic dose and by the frequency of chronic administration. There is also evidence that the cannabinoid withdrawal symptoms can be reversed by the administration of marijuana and Δ^9-THC, or by treatment with a barbiturate (hexobarbital) or ethanol (Pertwee, 1991).

An acute withdrawal syndrome or ''hangover'' has been reported by Chait, Fischman, & Schuster (1985) developing approximately 9 hours after smoking a 1 g marijuana cigarette containing 2.9% THC. Five of twelve subjects reported themselves as ''dopey and hung over'' the morning after smoking the single cigarette. In a 10 second and 30 second time-production task significant marijuana hangover effects were found. The effect on the time production task is of interest since the effect obtained the morning after smoking marijuana was opposite to that observed acutely after smoking marijuana. These data may suggest an opponent compensatory rebound which may underlie the development of tolerance over periods of chronic marijuana exposure. Scores on the benzedrine-group (BG) scale, a stimulant scale of the Addiction Research Center Inventory (ARCI) consisting mainly of terms relating to intellectual efficiency and energy, were significantly higher the morning after marijuana smoking, as well. Chait, Fischman, & Schuster also reported increases on the amphetamine (A) scale of the ARCI, a measure of the dose-related effects of d-amphetamine. Cousens & DiMascio (1973) have previously reported a similar ''hangover'' and ''speed of thought alterations'' in subjects the morning after they had received a 30 mg oral dose of Δ^9-THC. Like the ''hangover'' associated with high dose ethyl alcohol consumption, the hangover from marijuana may be qualitatively identical to, and differ only on an intensity dimension from, the withdrawal syndrome produced from chronic consumption (cf. Gauvin, Cheng, Holloway, 1993).

As described above, Haney *et al.* have recently described abstinence symptoms of an acute withdrawal syndrome following high (30 mg q.i.d.) and low (20 mg q.i.d) dose administrations of oral THC (Haney *et al.,* 1999a) and following 5 puffs of high (3.1%) and low (1.8%) THC-containing smoked marijuana cigarettes (Haney et al., 1999b). Both of these studies have delineated a withdrawal syndrome from concentrations of THC significantly lower than those reported in any other previous study and, for the first time, clearly identified a marijuana withdrawal syndrome detected at low levels of THC exposure that do not produce tolerance. These data suggest that dependence on THC may in fact be an important consequence of repeated, daily exposure to cannabinoids and that daily marijuana use may be maintained, at least in part, by the alleviation of abstinence symptoms.

As stated above, Budney, Novy, & Hughes (1999) have recently examined the withdrawal symptomology in chronic marijuana users seeking treatment for their dependence. The majority of the subjects (85%) reported that they had experienced symptoms of at least moderate severity and 47% experienced greater than four symptoms rated as severe. The most reported mood symptoms associated with the withdrawal state were irritability, nervousness, depression, and anger. Some of the behavioral characteristics of the marijuana withdrawal syndrome were craving, restlessness, sleep disruptions, strange dreams, changes in appetite, and violent outbursts. These data clearly support the validity and clinical significance of a marijuana withdrawal syndrome in man. Large-scale population studies have also reported significant rates of cannabis dependence (Kessler *et al.,* 1994; Farrell *et al.,* 1998), particularly in prison and homeless populations. Similar reports of cannabis dependence in withdrawal in other populations have been previously discussed (above; Crowley *et al.* (1998); Kouri & Pope (2000)).

Psychological Dependence in Humans

In addition to the physical dependence produced by abrupt withdrawal from Δ^9-THC, psychological dependence on Δ^9-THC can also be demonstrated. Case reports and clinical studies show that frequency of Δ^9-THC use (most often as marijuana) escalates over time, there is evidence that individuals increase the number, doses, and potency of marijuana cigarettes. Data have clearly shown that tolerance

to the stimulus effects of the drug develops which could lead to drug seeking behavior (Pertwee, 1991; Aceto *et al.,* 1996; Kelly *et al.,* 1993, 1994; Balster and Prescott, 1992; Mendelson *et al.,* 1976; Mendelson and Mello, 1985; Mello, 1989). Several studies have reported that patterns of marijuana smoking and increased quantity of marijuana smoked were related to social context and drug availability (Kelly *et al.,* 1994; Mendelson and Mello, 1985; Mello, 1989). There have been, however, other studies which have demonstrated that the magnitude of many of the behavioral effects produced by Δ^9-THC and other synthetic cannabinoids lessens with repeated exposure while also demonstrating that tolerance did not develop to the euphorigenic activity, or the ''high'' from smoked marijuana (Dewey, 1986; Perez-Reyes *et al.,* 1991). Recent electrophysiological data from animals suggests that the response of VTA dopamine neurons do not diminish during repeated exposure to cannabinoids, and that this may underlie the lack of tolerance to the euphoric effects of marijuana even with chronic use (Wu & French, 2000).

The problems of psychological dependence associated with marijuana (THC) abuse are apparent from DAWN reports and survey data from the National Household Survey on Drug Abuse and the Monitoring the Future study. These databases show that the incidence of chronic daily marijuana use and adverse events associated with its use are increasing, especially among the young. At the same time, perception of risk has decreased and availability is widespread (cf., NIDA, 1996). These factors contribute to perpetuating the continued use of the marijuana.

(8) Whether The Substance Is an Immediate Precursor of a Substance Already Controlled Under This Subchapter.

According to the legal definition, marijuana (Cannabis sativa L.) is not an immediate precursor of a scheduled controlled substance. However, cannabidiol is a precursor for delta-9-tetrahydrocannabinol, a Schedule I substance under the CSA.

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Federal Register

Wednesday,
April 18, 2001

Part III

Department of Education

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of a Proposed Funding Priority for Fiscal Years (FYs) 2001–2003 for a Rehabilitation Research Engineering Center.

SUMMARY: We propose a funding priority under the Rehabilitation Engineering Research Center (RERC) on Mobile Wireless Technologies for Persons with Disabilities under the National Institute on Disability and Rehabilitation Research (NIDRR) for FYs 2001–2003. We take this action to focus research attention on areas of national need. We intend this priority to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: We must receive your comments on or before May 18, 2001.

ADDRESSES: All comments concerning this proposed priority should be addressed to Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3414, Switzer Building, Washington, DC 20202–2645. Comments may also be sent through the Internet: donna_nangle@ed.gov

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding this proposed priority.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this priority in Room 3414, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

National Education Goals

This proposed priority will address the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The authority for the program to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973 (the Act), as amended (29 U.S.C. 762(g) and 764. Regulations governing this program are found in 34 CFR part 350.

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this proposed priority, we invite applications through a notice published in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational.

The proposed priority refers to NIDRR's Long-Range Plan that can be accessed on the World Wide Web at: (*http://www.ed.gov/offices/OSERS/NIDRR/#LRP*).

Rehabilitation Engineering Research Centers Program

We may make awards for up to 60 months through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to conduct research, demonstration, and training activities regarding rehabilitation technology in order to enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives. An RERC must be operated by or in collaboration with an institution of higher education or a nonprofit organization.

Description of Rehabilitation Engineering Research Centers

RERCs carry out research or demonstration activities by:

(a) Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to (1) solve rehabilitation problems and remove environmental barriers, and (2) study new or emerging technologies, products, or environments;

(b) Demonstrating and disseminating (1) innovative models for the delivery of cost-effective rehabilitation technology services to rural and urban areas, and (2) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or (c) Facilitating service delivery systems change through (1) the development, evaluation, and dissemination of consumer-responsive and individual and family-centered innovative models for the delivery to both rural and urban areas of innovative cost-effective rehabilitation technology services, and (2) other scientific research to assist in meeting the employment and independent needs of individuals with severe disabilities.

Each RERC must provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations.

Proposed Priority: RERC on Mobile Wireless Technologies for Persons With Disabilities

Background

The information technology (IT) revolution is fundamentally altering the way Americans work, purchase goods and services, communicate, and play. Today, one can access information using any number of electronic devices and networks, including computers connected to ''plain old telephone lines'' (POTS), televisions connected to cable or digital satellite networks, cellular telephones, or wireless hand-

held personal digital assistant devices. Unlike earlier information technologies (i.e., print, radio, telephone, television and telefax), mobile communications networks, the Internet and the World Wide Web did not enter into our daily lives gradually—rather, they exploded onto the scene. While the economic impact of this transformation has not been fully evaluated at either the individual or systems level, it is significant.

The proliferation of information technologies, including wireless technologies, does not guarantee accessibility for persons with disabilities. According to a recent study, only 23.9% of people with disabilities have access to a computer at home compared to just over half (51.7%) of their non-disabled counterparts. The gap in Internet use is even more striking: roughly 10% of people with disabilities connect to the Internet compared to almost 40% of those without disabilities. Elderly people with disabilities are even less likely to make use of these technologies. Among those 65 years of age or older, only 10% of individuals with disabilities have computers at home and, of those, only 2.2% use the Internet (Kaye, H.S., ''Computer and Internet Use Among People with Disabilities,'' *Disability Statistics Report (14),* U.S. Department of Education, National Institute on Disability and Rehabilitation Research, Washington, DC, 1999).

Chapter 5 of NIDRR's Long-Range Plan (64 FR 45768) discusses the importance of making information technology accessible to persons with disabilities of all ages, and includes a discussion of universal access and the need for continued research and development in this area. Unfortunately, while advances in computers and information technologies create new opportunities for some individuals, they create barriers for others. The proliferation of electronic visual and tactile displays (i.e., LCD, LED, and touch screens) on home appliances, business equipment, and public access terminals also poses a major problem for individuals with sensory and motor deficits unless alternative methods for accessing and using these devices are made available. Conversely, audio cues (beeps) cannot convey information to individuals who are deaf or hard of hearing. Of particular concern is that an increasing number of functions are being integrated onto single chips or motherboards, obviating the need for third party accessories such as sound cards or voice input devices. This makes changes or modifications to these built-in features difficult or even impossible.

Cellular communications are wireless communications that occur in small ''cells'' or geographic areas on land. When one talks on a cellular phone their voice is transmitted to a nearby tower (usually within ten miles). Cellular phone calls are then passed from tower to tower as cellular users move from one geographic area to the next. To manage all the communications, the cellular phones and towers must ''speak'' the same language. The Internet and World Wide Web revolutions began in the 1990's and, in less than a decade, have been responsible for reshaping the way information is accessed and the way commerce is conducted (Hjelm, J., *Designing Wireless Information Services,* Wiley Computer Publishing, New York, pg. 2, 2000).

Technologies that launched the digital revolution are undergoing rapid changes, resulting in a new generation of mobile information systems. The Wireless Application Protocol (WAP) was developed in 1997 by numerous wireless companies in an attempt to make a common interface for wireless devices to access the Internet (Hjelm, J., op cit., pg. 293, 2000). This standard is currently being implemented into cellular phones and personal digital assistants and includes the technology to transmit data back and forth using ''micro-browsers.'' Micro-browsers are analogous to Internet browsers used on personal computers but have far fewer features so only the most relevant information is communicated using WAP (Mock, D.L., ''Wireless 101: A Guide to Wireless Investing for Newbies and non-Techies,'' Rev. 2, pgs. 13–14, July, 2000). A new technology that is poised to revolutionize the IT industry is the Bluetooth Protocol Architecture, the name given to a new short-range radio frequency technology that could ultimately replace data wire connections on just about any electronic device. Bluetooth technologies will enable electronic devices within about 30 feet of each other to communicate over a high-speed wireless connection and could transcend any environment (Hjelm, J., op cit., pg. 292, 2000).

The future generation of wireless technologies, commonly referred to as ''third generation'' systems, will ultimately have the capacity to transmit data, text, voice, and graphics between terminals that may be fixed or moving, with bandwidth that varies according to the instant demand and is charged for on that basis (Shipley, T. and Gill, J., ''Inclusive Design of Wireless Systems,'' Royal National Institute for the Blind, London, England, pg. 27, 2000). Third generation systems will provide Internet access as well as point-to-point communication, and will ultimately merge with other wireless technologies, such as Bluetooth (Ibid).

The ubiquitous nature of mobile wireless communications brings with it a host of opportunities as well as challenges. For example, a cellular telephone cannot present information in the same way that a laptop or desktop can. Furthermore, different environments require different types of input and output. It is difficult to use a keyboard when walking, difficult and even dangerous to use a device that requires visual attention when driving, and devices that require speech input or output are not practical in noisy environments.

People with disabilities should be able to benefit from the evolving digital revolution on equal terms, freed from the barriers of inaccessible technology (Ibid, pg. 27). This will happen only if the new wave of wireless communications systems are designed to accommodate a broad range of abilities among users (Ibid, pg. 2). Without an inclusive approach to design, large segments of this target population will find themselves precluded from accessing and participating in the new information driven society (Ibid). The infrastructure to support the new era of wireless technologies will be complex and expensive, and because of this there will be reluctance to make changes once systems are operational. Therefore, it is imperative that the design of both systems and equipment be considered carefully at the outset of development.

Further, there is a critical shortage of engineers and product designers who are capable of providing expertise to developers and manufacturers about incorporating accessible and universal design features into their IT products. Achieving this goal will require product designers and IT experts to collaborate more closely with clinicians, service providers, and consumers to identify potential applications of new telecommunications devices and systems that support independent living, employment, and community integration. Finally, more individuals need to be trained to educate consumers, customer service professionals, technical writers, web developers, marketers, and other IT related professionals about accessible and usable information technologies.

NIDRR currently funds RERCs on Information Technology Access and Telecommunications Access. The RERC on Mobile Wireless Technologies for Persons with Disabilities will be required to coordinate with these two

RERCs on relevant policy and regulatory activities and other activities of mutual interest.

Priority: RERC on Mobile Wireless Technologies for Persons With Disabilities

We propose to establish an RERC on mobile wireless technologies to investigate promising applications of, and facilitate equitable access to, future generations of mobile wireless technologies for individuals with disabilities of all ages and to expand research and development capacity within this subject area. The RERC must:

(a) Investigate, develop, and evaluate technological solutions in collaboration with industry to promote universal access and usability in future generations of mobile wireless technologies;

(b) Investigate, develop, and evaluate applications of mobile wireless technologies that could benefit persons with disabilities in independent living, employment, and community integration such as healthcare monitoring, environmental control, emergency location signaling devices, scheduling maintenance, mobile communications, etc.;

(c) Investigate, develop, and evaluate innovative and flexible multi-modal interface methods for accessing and using future generations of mobile wireless technologies such as home appliances, mobile communication systems and portable information terminals, office equipment, health-monitoring devices, and public access terminals;

(d) Identify, implement, and evaluate, in collaboration with the wireless IT industry, professional IT associations, and institutions of higher education, innovative approaches to expand capacity in accessible IT studies including design, research and development;

(e) Monitor trends and evolving product concepts that represent and signify future directions for mobile wireless technologies; and

(f) Provide technical assistance to public and private organizations responsible for developing policies, guidelines and standards that affect the accessibility of mobile wireless technologies and systems that are manufactured and implemented.

In addition to the activities proposed by the applicant to carry out these purposes, the RERC must:

- Collaborate with industry, industrial consortia, and professional and trade associations on all activities;
- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the RERC's research results to disability organizations, persons with disabilities, technology service providers, businesses, manufacturers, and appropriate journals;
- Develop and implement in the first year of the grant, and in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace;
- Conduct a state-of-the-science conference on accessible information technologies in the third year of the grant cycle and publish a comprehensive report on the final outcomes of the conference in the fourth year of the grant cycle; and
- Coordinate on research projects of mutual interest with relevant NIDRR-funded projects such as the RERCs on Information Technology Access and Telecommunications Access and the Information Technology Technical Assistance and Training Center, as identified through consultation with the NIDRR project officer.

Applicable Program Regulations: 34 CFR part 350.

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

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(Catalog of Federal Domestic Assistance Number: 84.133E, Rehabilitation Engineering Research Center Program)

Dated: April 12, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

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Federal Register

Vol. 66, No. 75

Wednesday, April 18, 2001

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Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
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FEDERAL REGISTER PAGES AND DATE, APRIL

17479–17620 2
17621–17774 3
17775–18034 4
18035–18184 5
18185–18394 6
18395–18520 9
18521–18716 10
18717–18868 11
18869–19080 12
19081–19380 13
19381–19712 16
19713–19846 17
19847–20080 18

CFR PARTS AFFECTED DURING APRIL

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:
7420 18035
7421 18183
7422 18395
7423 18867
7424 19077
7425 19079
7426 19845

Executive Orders:
10000 (Amended by EO 13207) 18399
12002 (See EO 13206) 18397
12214 (See EO 13206) 18397
12924 (Revoked by EO 13206) 18397
12938 (See EO 13206) 18397
12981 (See EO 13206) 18397
13026 (See EO 13206 18397
13202 (Amended by EO 13208) 18717
13206 18397
13207 18399
13208 18717

7 CFR

271 18869
278 18869
868 17775
916 17479
917 17479
946 18719
1481 18869

Proposed Rules:
80 19099
319 19892
800 .....17817, 19608
923 18573

9 CFR

78 19847
94 18357
381 19713
441 19713

Proposed Rules:
93 19898
101 19899
301 19102
303 19102
317 19102
318 19102
319 19102
320 19102
325 19102
331 19102
381 19102
417 19102
430 19102

10 CFR

430 19714
719 19717
830 19717
1040 18721
1042 18721

Proposed Rules:
1 19610
2 19610
50 19610
51 19610
52 19610
54 19610
60 19610
70 19610
73 19610
75 19610
76 19610
110 19610
150 20035
170 20035
171 20035
733 19900

12 CFR

201 18185
202 17779
205 17786
225 19081
230 17795
261a 19717
337 17621
650 19048
1701 18037
1780 18040

Proposed Rules:
7 19901
8 17821
25 18411
37 19901
208 18411
369 18411
1710 18593
1777 18593

13 CFR

121 19381

14 CFR

23 18186
25 .....17804, 19847
39 .....17487, 17490, 17492, 17495, 17498, 17499, 17506, 17508, 17806, 18045, 18047, 18521, 18523, 18525, 18527, 18721, 18870, 19381, 19383, 19387, 19718, 19850
71 .....18050, 18187, 18528, 18529, 19082, 19183, 19852, 19853
95 18530

97.....18533, 18535
121.....19028
135.....19028
Proposed Rules:
25.....18214
39 .....17641, 18416, 18573, 18575, 18877, 18878, 18880, 18882, 18884, 18886, 19727
71 .....17825, 17826, 17827, 18575, 18577, 18578, 18736, 18737, 19907, 19908, 19909
73.....18055

15 CFR

738.....18401
740.....18401
744.....18401
772.....18401
774.....18402

16 CFR

2.....17622
3.....17622
4.....17622
305.....19389
Proposed Rules:
1700.....18738

19 CFR

4.....19720

21 CFR

172.....17508
179.....18537
510.....17510
529.....17510
556.....19854
579.....18539
870.....18540
886.....18540
Proposed Rules:
192.....17517
592.....17517

22 CFR

41.....17511, 19390

23 CFR

940.....19854

25 CFR

Proposed Rules:
151.....19403

26 CFR

Proposed Rules:
1 .....17517, 17518, 18187, 18190, 18357, 19104
301.....17518
602.....17518

27 CFR

9.....18543
13.....19084
25.....17809
53.....19087
55.....19089
70.....19089
270.....19089
Proposed Rules:
4.....19738
9.....18579

28 CFR

16.....17809
Proposed Rules:
16.....17828

29 CFR

1910.....18191
4022.....19089
4044.....19089
Proposed Rules:
4902.....17518

30 CFR

Proposed Rules:
904.....18216

31 CFR

1.....18192
Proposed Rules:
210.....18888

33 CFR

100 .....18193, 18546, 19091
117 .....17512, 17810, 17811, 18193, 18407, 18408, 18546, 18723, 19856
165.....19092
Proposed Rules:
100.....18056, 18219
110.....18419
117 .....18221, 18419, 19105
165 .....17829, 17832, 18419

36 CFR

1290.....18873

37 CFR

205.....19094

38 CFR

3 .....18194, 18195, 19857
Proposed Rules:
3.....17834
19.....17840
20.....17840

39 CFR

20.....19095
Proposed Rules:
111.....19740

40 CFR

51.....18156
52 .....17634, 17811, 18198, 18873, 19721, 19722, 19724, 19858
60.....17599, 18546
63.....19006
70.....17512
80.....19296
81.....19095
85.....18156
86.....19296
180 .....18201, 18554, 18561, 18725, 19860, 19863, 19870, 19879
761.....17602
Proposed Rules:
52 .....17641, 17842, 18223, 18893, 19746, 19747, 19910
60.....18579
80.....19312
81.....17647
86.....19312
122.....19747
194.....18058
258.....19403
412.....19747
420.....17842

42 CFR

411.....17813
424.....17813
Proposed Rules:
36.....17657
447.....17657

43 CFR

3160.....18569
Proposed Rules:
3000.....19413
3100.....19413
3200.....19413
3400.....19413
3500.....19413
3600.....19413
3800.....19413

44 CFR

64.....19095
Proposed Rules:
67.....18426

47 CFR

15.....19097
54.....19098, 19394
64.....19398
73 .....17638, 17814, 17815, 18570, 18733, 18734, 19402, 19891
74.....18570
Proposed Rules:
Ch. 1 18059
1.....19682
2.....18740, 19106
27.....19106
73 .....17843, 17844, 19106
101.....18061

48 CFR

Ch. 1 17757
9.....17754, 18735
14.....17754, 18735
15.....17754, 18735
31.....17754, 18735
52.....17754, 18735
931.....19717
970.....19717
1812.....18051
1823.....18051
1842.....18053
1852.....18051, 18053
Proposed Rules:
9.....17758
14.....17758
15.....17758
31.....17758
52.....17758

49 CFR

533.....17513
571.....18208
Proposed Rules:
537.....19132
571.....18581

50 CFR

17.....18002
300.....18409
600.....18409
660.....17639, 18409
679.....17815
Proposed Rules:
17.....18062
216.....19413
223.....17659, 17845
224.....17659, 19414
80.....18210
600 .....17668, 18584, 19748
622.....17519
635.....17520
648.....17673
660.....17681, 18586
Proposed Rules:
17.....18223, 19910

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 APRIL 18, 2001

ENVIRONMENTAL PROTECTION AGENCY

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Flumioxazin; published 4-18-01
- Hexythiazox; published 4-18-01
- Metolachlor; published 4-18-01
- Propiconazole; published 4-18-01

FEDERAL COMMUNICATIONS COMMISSION

Radio and television broadcasting:
- Noncommercial educational broadcast station applicants; comparative standards reexamination; published 3-19-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Lasalocid; published 4-18-01

LABOR DEPARTMENT

Occupational Safety and Health Administration

Safety and health standards:
- Bloodborne pathogens; occupational exposure; needlestick and other sharps injuries; published 1-18-01

STATE DEPARTMENT

Visas; immigrant documentation:
- International broadcasters; employment-based special immigrant classification; published 3-19-01

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Intelligent Transportation System architecture and standards
- Correction; published 4-18-01

VETERANS AFFAIRS DEPARTMENT

Adjudicaton; pensions, compensation, dependency, etc.:
- Proof of service; evidence certification; published 4-18-01

COMMENTS DUE NEXT WEEK

BROADCASTING BOARD OF GOVERNORS

Privacy Act; implementation; comments due by 4-26-01; published 3-27-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Magnuson-Stevens Act provisions—
  - Domestic fisheries; exempted fishing permits; comments due by 4-25-01; published 4-10-01

CONSUMER PRODUCT SAFETY COMMISSION

Federal Hazardous Substances Act:
- Candle wicks containing lead and candles with such wicks; illness risks; comments due by 4-23-01; published 2-20-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:
- Ferroalloys production; ferromanganese and silicomanganese; comments due by 4-23-01; published 3-22-01

Air quality implementation plans; approval and promulgation; various States:
- Connecticut; comments due by 4-23-01; published 3-23-01
- Missouri; comments due by 4-23-01; published 3-23-01
- Texas; comments due by 4-25-01; published 3-26-01

Hazardous waste:
- Project XL program; site-specific projects—
  - Georgia-Pacific Corp. Facility, Big Island, VA; comments due by 4-25-01; published 3-26-01
  - Weyerhaeuser Co. Flint River Operations, Oglethorpe, GA; comments due by 4-26-01; published 3-27-01

Toxic substances:
- High production volume chemicals; testing; comments due by 4-25-01; published 12-26-00

Water pollution; effluent guidelines for point source categories:
- Iron and steel manufacturing facilities; comments due by 4-25-01; published 4-4-01

FEDERAL COMMUNICATIONS COMMISSION

Practice and procedure:
- Regulatory fees (2001 FY); assessment and collection; comments due by 4-27-01; published 4-16-01

Radio stations; table of assignments:
- Iowa; comments due by 4-23-01; published 3-15-01
- Maine; comments due by 4-23-01; published 3-14-01
- Oregon and New York; comments due by 4-23-01; published 3-15-01
- Various States; comments due by 4-24-01; published 3-14-01

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:
- Unsecured credit limits; comments due by 4-23-01; published 3-7-01

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Thrift Savings Plan:
- Employee elections to contribute; comments due by 4-25-01; published 3-26-01
- Investment funds; participants' choices; comments due by 4-25-01; published 3-26-01

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
- Whooping cranes; nonessential experimental population establishment in eastern United States; comments due by 4-23-01; published 3-9-01

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Indian lands program:
- Abandoned mine land reclamation plans—
  - Navajo Nation; comments due by 4-27-01; published 3-28-01

LABOR DEPARTMENT

Employment and Training Administration

Aliens:
- Nonimmigrants on H-1B visas in specialty occupations and as fashion models, temporary employment; and permanent employment, labor certification process; comments due by 4-23-01; published 2-20-01

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright Arbitration Royalty Panel rules and procedures:
- Mechanical and digital phonorecord delivery compulsory license; implementation and application to digital music services; comments due by 4-23-01; published 3-9-01

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:
- Involuntary liquidation; adjudication of creditor claims; comments due by 4-24-01; published 2-23-01
- Records preservation program; comments due by 4-24-01; published 2-23-01
- Service organizations; investments and loans; comments due by 4-23-01; published 2-22-01

NUCLEAR REGULATORY COMMISSION

Fee schedules revision; 98% fee recovery (2001 FY); comments due by 4-27-01; published 3-28-01
- Correction; comments due by 4-27-01; published 4-18-01

POSTAL SERVICE

Domestic Mail Manual:
- Bound printed matter; attachments and enclosures; eligibility requirements; comments due by 4-25-01; published 3-26-01

SECURITIES AND EXCHANGE COMMISSION

Public utility holding companies:
- Electronic recordkeeping requirements; comments due by 4-23-01; published 3-23-01

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:
- Louisiana; comments due by 4-23-01; published 2-22-01

Gulf of Mexico; floating production, storage, and

offloading units; meeting; comments due by 4-25-01; published 3-27-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 4-23-01; published 3-23-01

Bombardier; comments due by 4-23-01; published 3-23-01

Rolls-Royce Corp.; comments due by 4-23-01; published 2-22-01

Airworthiness standards:

Special conditions—

Boeing Model 777-200 series airplanes; comments due by 4-27-01; published 3-13-01

Commercial space transportation:

Licensing and safety requirements for launch; comments due by 4-23-01; published 2-21-01

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:

Infectious substances and genetically modified micro-organisms; standards reviion; comments due by 4-23-01; published 1-22-01

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

California Coast, CA; comments due by 4-25-01; published 12-26-00

TREASURY DEPARTMENT

Customs Service

Financial and accounting procedures:

Harbor Maintenance Fee refunds; amended procedure; comments due by 4-27-01; published 3-28-01

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes, etc.:

Entity classification rules; clarification; comments due by 4-25-01; published 1-12-01

Income taxes:

Controlled corporations; recognition of gain on certain distributions of stockor securities in connection with acquisitions; comments due by 4-24-01; published 1-2-01

Hedging transactions; comments due by 4-25-01; published 1-18-01

Relief from joint and several liability; comments due by 4-27-01; published 1-17-01

LIST OF PUBLIC LAWS

This is 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.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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