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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330, 332, 351, 353

RIN 3206–AJ32

Career Transition Assistance for Surplus and Displaced Federal Employees

AGENCY: Office of Personnel Management.

ACTION: Interim regulation with request for comment.

SUMMARY: The Office of Personnel Management is issuing interim regulations making the current career transition assistance programs permanent to help Federal employees displaced from their jobs by downsizing. These interim regulations remove the September 30, 2001 sunset date and reporting requirements and eliminate the Interagency Placement Program.

DATES: This interim regulation is effective on June 4, 2001. We will consider written comments received by August 3, 2001.

ADDRESSES: Send or deliver written comments to: Richard A. Whitford, Acting Associate Director for Employment, Office of Personnel Management; Suite 6500, 1900 E Street NW., Washington, DC 20415–9000.

FOR FURTHER INFORMATION, CONTACT: Jacqueline Yeatman on (202) 606–0960, FAX (202) 606–2329, TDD (202) 606–0023 or by email at: *jryeatma@opm.gov.*

SUPPLEMENTARY INFORMATION: It has long been the Federal Government's policy to help displaced workers affected by downsizing and restructuring find other employment, either within the Government or the private sector. The Office of Personnel Management (OPM) has provided placement priority for employees affected by downsizing since at least 1970, by regulation. Before 1996, this consisted of the Displaced Employee Program/Interagency Placement Assistance Program (DEP/IPAP), later followed by the Interagency Placement Program (IPP). All of these programs operated under a passive model with centralized inventories, or ''lists'' of separated Federal employees. Agencies received these lists only when they planned to fill a vacancy through a competitive appointment register or certificate. Placement rates for these programs were relatively low for several reasons. In many cases, agencies filled jobs through the transfer or reinstatement of current or former Federal employees—and these actions did not generate IPP referral lists. In other cases, candidates on the placement list were unreachable, unavailable, or uninterested by the time their name was referred for a job.

In 1995, OPM published regulations temporarily suspending the IPP and establishing the Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP). The regulations were developed in cooperation with representatives from agencies and employee unions. These new programs were based on the ''employee empowerment'' model—an entirely different premise from previous placement programs. The idea was relatively simple—affected employees get the resources and information they need, coupled with meaningful hiring priority for Federal jobs, to help them take charge of their job search as early and effectively as possible. Placement data suggest that when employees take an active role in their own transition, faster and better placements result. The designers of these programs also believed that giving only well-qualified displaced employees hiring priority would improve the quality of placements made and reduce the ''stigma'' sometimes associated with selection priority. Because this was a new and untested approach to the placement of former Federal employees, the regulations included reporting requirements and a sunset date. This gave OPM the opportunity to evaluate these programs and determine their usefulness. On July 27, 1999, OPM published regulations extending the sunset date through September 30, 2001.

Each year, OPM gathers information from Executive Branch agencies on their use of CTAP and ICTAP, as well as data on involuntary separations and hiring. We can assess the effectiveness of the existing placement programs using this information. The data show that agencies hired 1,182 displaced employees through ICTAP in the past four years. This represents a placement rate that is significantly higher than under the IPP. The CTAP and ICTAP programs combined have placed nearly 4,000 surplus or displaced employees since 1996. When the results for the Department of Defense Priority Placement Program (PPP) and agency Reemployment Priority Lists (RPLs) are added, the overall placement rate approaches 50% of those eligible. It is true that, over the last four years, the *number* of placements through CTAP and ICTAP has decreased—but this is not surprising, since fewer employees have become surplus or displaced and the number of involuntary separations has dropped off as well. Significantly, the placement *rate* (the proportion of those placed relative to the number of RIF separations) has stayed about the same. This tells us that our existing placement programs are effective tools whether downsizing activity is widespread or limited.

If we allow the current placement programs to expire in 2001, the Government's primary placement tool will once again be the IPP. Based on the lower placement rate of the IPP, and the long-standing dissatisfaction of agencies with its operation, we concluded that this is not a viable option. During the IPP era, agencies used centralized registers for most competitive Federal hiring; today's environment of decentralized and delegated job-by-job examining does not lend itself to a centralized, placement-list approach. The IPP added more time to the recruitment process—time agencies cannot afford to lose in today's fast-moving and highly competitive job market. In addition, the IPP sets significantly lower standards for qualification and demonstrated performance, making it less likely to result in good placements. In contrast, CTAP and ICTAP give the employee more control over the process, are decentralized and faster, and set higher standards for ''matches.'' OPM and the Human Resources Management Council's Executive Committee (composed of human resource directors

from cabinet departments, large agencies, and representatives from small agencies) concluded that returning to the IPP would be a step backward for the Federal Government's placement process.

While ICTAP was designed primarily to help employees affected by reductions in force, it is a crucial program for other reasons. The regulations currently provide two years of ICTAP selection priority to veterans in certain restricted positions affected by competitive outsourcing under OMB Circular A–76 procedures (see 5 CFR part 330, subpart D). Former employees trying to return to work after long-term recovery from compensable injuries, former disability annuitants who have recovered, and disabled National Guard Technicians have been using ICTAP selection priority to return to work. In addition, placement programs for some District of Columbia Department of Corrections employees (5 CFR part 330, subpart K) and employees affected by the turnover of the Panama Canal (5 CFR part 330, subpart L) were patterned after ICTAP and use many of the same regulatory provisions. If we let the current programs sunset, it would affect all of these former employees.

CTAP and ICTAP provide a continual ''safety net'' that is always available when needed, but does not significantly hamper other personnel processes when not needed. Given the continuing need for a placement safety net for employees, we believe it makes sense to remove the sunset date from these regulatory provisions. Therefore, this regulation, when finalized, will permanently eliminate the IPP and replace it with the CTAP and ICTAP. In a related change, we are eliminating the agency reporting requirements under CTAP and ICTAP to reduce the administrative burden on agencies and because these reports, originally designed to monitor agency progress when these programs were initially established, are no longer necessary. We are also deleting references to the IPP in parts 332, 351 and 353 and replacing them with ICTAP where appropriate.

We are issuing this regulation as interim for several reasons. Because these placement programs would otherwise expire in September 2001, displaced employees need to know now whether they will get the one year of eligibility to which they would normally be entitled. Although current downsizing activity has tapered off significantly since the peak of a few years ago, agencies such as the Department of Defense and others are still implementing base closures, restructuring, and consolidations. In addition, the potential effects of privatization or outsourcing initiatives make these placement programs critical for those employees wishing to pursue other Federal employment options rather than accepting private employment. Finally, there are employees recovering from disability or injury who may need to use this program for help in getting back to work. In summary, we want to ensure that these important and effective placement tools for Federal employees remain in place. This will help the Federal Government maintain its image as an employer who values employees and treats them with concern even when restructuring is necessary.

While we are not proposing any changes to the way these programs will operate at this time, we believe there is room for improvement. We plan to work with Federal agencies, employees, and other stakeholders on ways to improve and streamline the entire portfolio of placement programs for displaced employees. Any changes resulting from this effort would be published as proposed regulations, with request for comment, to allow for maximum dialogue on these issues.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Government employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 330

Armed forces reserves, Government employees.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

Accordingly, OPM is amending parts 330, 332, 351 and 353 as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; § 330.102 also issued under 5 U.S.C. 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart G also issued under 5 U.S.C. 8337(h) and 8457(b); subpart K also issued under sec. 11203 of Pub. Law 105–33 (111 Stat. 738) and Pub. Law 105–274 (112 Stat. 2424); subpart L also issued under sec. 1232 of Pub. L. 96–70, 93 Stat. 452.

Subpart C—Reserved

§§ 330.301—330.307 [Reserved]

2. In part 330, subpart C consisting of §§ 330.301 through 330.307, is removed and reserved.

Subpart F—Agency Career Transition Assistance Plans (CTAP) for Local Surplus and Displaced Employees

§§ 330.603 and 330.610 [Removed and reserved]

3. In Subpart F, §§ 330.603 and 330.610 are removed and reserved.

Subpart G—Interagency Career Transition Assistance Plan for Displaced Employees

§§ 330.702 and 330.710 [Removed and reserved]

4. In Subpart G, §§ 330.702 and 330.710 are removed and reserved.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

5. The authority citation for part 332 continues to read as follows:

Authority: 5. U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

§ 332.314 [Removed and reserved]

6. Section 332.314 is removed and reserved.

PART 351—REDUCTION IN FORCE

7. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3503; sec. 351.801 also issued under E.O. 12828, 58 FR 2965.

8. In § 351.807, paragraph (f) is revised to read as follows:

§ 351.807 Certification of Expected Separation.

* * * * *

(f) An agency may also enroll eligible employees on the agency's Reemployment Priority List up to 6 months in advance of a reduction in force. For requirements and criteria, see subpart B of part 330 of this chapter.

PART 353—RESTORATION TO DUTY FROM UNIFORMED SERVICE OR COMPENSABLE INJURY

9. The authority citation for part 353 continues to read as follows:

Authority: 38 U.S.C. 4301 et seq., and 5 U.S.C. 8151.

10. In § 353.110, paragraph (b) is revised to read as follows:

§ 353.110 OPM Placement Assistance.

* * * * *

(b) Employee returning from compensable injury. OPM will provide placement assistance to an employee with restoration rights in the executive, legislative, or judicial branches who cannot be placed in his or her former agency and who either has competitive status or is eligible to acquire it under 5 U.S.C. 3304(C). If the employee's agency is abolished and its functions are not transferred, or it is not possible for the employee to be restored in his or her former agency, the employee is eligible for placement assistance under the Interagency Career Transition Assistance Plan (ICTAP) under part 330, subpart G, of this chapter. This paragraph does not apply to an employee serving under a temporary appointment pending establishment of a register (TAPER).

[FR Doc. 01–13917 Filed 6–1–01; 8:45 am]

BILLING CODE 6325–38–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–032–1]

Prohibition of Beef From Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations by removing the provisions for the importation of fresh (chilled or frozen) beef from Argentina and by removing the exemptions that allowed cured or cooked beef to be imported from Argentina under certain conditions without meeting the requirements of the regulations regarding cured and cooked meat from regions where rinderpest or foot-and-mouth disease exists. We are taking these actions because the existence of foot-and-mouth disease has been confirmed in that country. The effect of these actions is to prohibit the importation of any fresh (chilled or frozen) beef from Argentina and to prohibit the importation of any cooked or cured beef from Argentina that does not meet the requirements of the regulations regarding cured and cooked meat from regions where rinderpest or foot-and-mouth disease exists. We are taking these actions as an emergency measure to protect the livestock of the United States from foot-and-mouth disease.

DATES: This interim rule was effective on February 19, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 3, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–032–1, 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. 01–032–1.

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. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–3276.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products into the United States in order to prevent the introduction of various animal diseases including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations lists regions of the world that are declared free of rinderpest or free of both rinderpest and FMD. Rinderpest or FMD exists in all other regions of the world not listed.

Although Argentina is currently not listed in § 94.1, the regulations do provide for the importation of fresh (chilled or frozen) beef from Argentina under certain conditions. Specifically, under § 94.21, fresh (chilled or frozen) beef may be imported from Argentina if, among other things, FMD has not been diagnosed in Argentina within the previous 12 months. Additionally, cured or cooked beef from Argentina that meets the requirements for the importation of fresh (chilled or frozen) beef in § 94.21 may be imported into the United States without meeting the requirements of § 94.4.

On or about July 22, 2000, cattle from a neighboring country were illegally imported into Argentina, and on August 16, 2000, Argentina confirmed that one of the imported animals was infected with FMD. At that time, the United States Department of Agriculture (USDA) imposed a temporary hold on the importation of all beef from Argentina that had been authorized to be imported under § 94.21. During late September and early October 2000, a tripartite delegation consisting of representatives from the United States, Canada, and Mexico visited Argentina to assess the FMD situation. After extensive inspection and evaluation, the tripartite delegation concluded that Servicio Nacional de Sanidad y Calidad Agroalimentario (SENASA) had acted promptly and effectively to eliminate the FMD infection.

Further, Veterinary Services staff members of the Animal and Health Inspection Service (APHIS), produced a risk assessment document to explore the potential FMD risks associated with importing beef from Argentina under the provisions of § 94.21. This report concluded that the August 2000 outbreak of FMD, which resulted from the illegal movement of animals into Argentina from a bordering country, had been quickly detected and contained.

In consideration of SENASA's prompt action and the conclusions of the risk analysis, we issued an interim rule on December 29, 2000 (65 FR 82894–82896, Docket No. 00–079–1), that allowed beef imports from Argentina to resume under § 94.21. In that interim rule, we also amended § 94.21 by adding additional provisions to ensure that beef being exported to the United States was not from an animal that had ever been in specified areas along Argentina's borders with Bolivia, Brazil, Paraguay, and Uruguay.

However, on March 12, 2001, Argentina reported to the Office International des Epizooties (OIE) and the United States that they had detected an outbreak of FMD in a herd of 300 young bulls in the province of Buenos Aires. Subsequently, within the following 4 days, SENASA informed the OIE and the United States with clinical confirmation of the existence of FMD in

four additional provinces. Since these initial detections, the number of confirmed cases has increased steadily. The affected provinces currently include Buenos Aires, Cordoba, La Pampa, San Luis, and Santa Fe. SENASA is investigating the FMD outbreak, conducting extensive serological surveillance, and implementing a vaccination program to attempt to confine the virus.

In order to protect the livestock of the United States from FMD, we are prohibiting the importation of fresh (chilled or frozen) beef from Argentina and any cured or cooked beef from Argentina that does not meet the requirements of § 94.4. Accordingly, we are amending the regulations by removing § 94.21, which provides for the importation of fresh (chilled or frozen) beef from Argentina. We are also amending § 94.4 to remove the provisions that exempt cooked or cured beef from Argentina from that section's requirements.

We are making this interim rule effective retroactively to February 19, 2001, because, given the significant numbers of affected animals and regions, it is likely that the virus was present in Argentina for several weeks prior to the March 12, 2001, date SENASA reported that FMD had been detected in the province of Buenos Aires.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of FMD into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are amending the regulations by removing the provisions for the importation of fresh (chilled or frozen) beef from Argentina and by removing the exemptions that allowed cured or cooked beef to be imported from Argentina under certain conditions without meeting the requirements of the regulations regarding cured and cooked meat from regions where rinderpest or FMD exists. We are taking these actions because the existence of FMD has been confirmed in that country. The effect of these actions is to prohibit the importation of any fresh (chilled or frozen) beef from Argentina and to prohibit the importation of any cooked or cured beef from Argentina that does not meet the requirements of the regulations regarding cured and cooked meat from regions where rinderpest or FMD exists. We are taking these actions as an emergency measure to protect the livestock of the United States from FMD.

FMD is among the most infectious and destructive of all livestock diseases. While it rarely kills adult animals, the virus may kill young and weak animals. Production losses are substantial, and costs to eradicate the disease are high. A single outbreak of FMD in the United States has the potential to close our major livestock export markets overnight. During the eradication process, most exports of meat, animals, and animal byproducts would be curtailed. Additionally, if the early signs of an outbreak were not immediately recognized, eradication could take years. Therefore, efforts to reduce the risk of the entry of FMD into the United States continue to be a high priority.

Imports of infected animal products pose the greatest risk of entry for FMD into the United States. The virus can survive in chilled, frozen, salted, cured, and partially cooked meats. Additionally, the virus can also be present in cheese, since the pasteurization process does not completely kill the virus. Strict quarantine regulations minimize the risk of any infected products entering the United States. With the exception of North and Central America (north of Panama), Australia, and New Zealand, FMD is still present in many areas of the world. FMD was last reported in the United States in 1929, in Canada in 1952, and in Mexico in 1954.

The United States livestock industry plays a significant role in international trade. Maintaining favorable trade conditions depends, in part, on continued aggressive efforts to prevent the entry of FMD into the United States. In 1999, the last year of available data, the total earnings from exports of live cattle, swine, beef and veal, pork, and dairy products were approximately $4.818 billion, while the value of imports was $5.671 billion. Livestock and related exports generated about $11.7 billion in output sales and created about 100,000 jobs in the United States.

The quantity of all U.S. fresh beef imports equals only about one-tenth of the amount produced domestically. Over the last 4 years, fresh beef imported into the United States from Argentina has averaged only 1.7 percent of total beef imports. Additionally, the amount of cooked and cured meats imported into the United States from Argentina is not significant. In fact, the value of these imports has declined steadily in the past 6 years. Subsequently, we expect that this interim rule will have an insignificant effect on U.S. entities, small or large. We do expect that this rule will produce economic benefits by minimizing the risk of FMD entering the United States with little to no effect on supply or consumer prices.

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to February 19, 2001; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new 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 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

2. Paragraph (a)(1) of § 94.1 is amended by removing the words ''Except as provided in § 94.21, rinderpest'' and replacing them with the word ''Rinderpest''.

§ 94.4 [Amended]

3. Section 94.4 is amended as follows:

a. Paragraph (a) is amended by removing the words ''Except for cured beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the'' and replacing them with the word ''The''.

b. Paragraph (b) is amended by removing the words ''Except for cooked beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the'' and replacing them with the word ''The''.

§ 94.21 [Removed and reserved]

4. Section 94.21 is removed and reserved.

Done in Washington, DC, this 29th day of May 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–13914 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–029–1]

Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations by adding the Republic of San Marino and the independent principalities of Andorra and Monaco to the list of regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance. The effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and meat, meat products, and certain other products of ruminants that have been in Andorra, Monaco, or San Marino. This action is necessary in order to prevent the introduction of bovine spongiform encephalopathy into the United States.

DATES: This interim rule was effective May 29, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 3, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–029–1, 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. 01–029–1.

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. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of cattle and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing protein and other products from ruminants infected with BSE. Therefore, BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants, are imported into the United States and are fed to ruminants in the United States. BSE could also become established in the United States if ruminants with BSE are imported into the United States.

Sections 94.18, 95.4, and 96.2 of the regulations prohibit or restrict the importation of certain meat and other animal products and byproducts from ruminants that have been in regions in which BSE exists or in which there is an undue risk of introducing BSE into the United States. In § 94.18, paragraph (a)(1) lists the regions in which BSE exists. Paragraph (a)(2) lists the regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those that would be acceptable for import into the United States and/or because the regions have inadequate surveillance. Paragraph (b) of § 94.18 prohibits the importation of fresh, frozen, and chilled meat, meat products, and most other edible products of ruminants that have been in any region listed in paragraphs (a)(1) or (a)(2). Paragraph (c) of § 94.18 restricts the importation of gelatin derived from ruminants that have been in any of these regions. Section 95.4 prohibits or restricts the importation of certain byproducts from ruminants that have been in any of these regions, and § 96.2 prohibits the importation of casings, except stomach casings, from ruminants that have been in any of these regions. Additionally, the regulations in 9 CFR part 93 pertaining to the importation of live animals provide that the Animal and Plant Health Inspection Service may deny the importation of ruminants from regions where a communicable disease such as BSE exists and from regions that present risks of introducing communicable diseases into the United States (see § 93.404(a)(3)).

The Republic of San Marino and the independent principalities of Andorra and Monaco supplement their food supplies with animals and animal products from their neighboring countries. The presence of BSE has been confirmed in both France, which borders Andorra and Monaco, and Italy, which borders San Marino. Andorra also borders Spain, which is listed at 94.18(a)(2) as a region that presents an undue risk of introducing BSE into the United States. Additionally, Andorra,

Monaco, and San Marino rely on the veterinary infrastructures of their neighboring countries and cannot, themselves, provide adequate surveillance.

Therefore, in order to prevent the introduction of BSE into the United States, we are amending the regulations by adding Andorra, Monaco, and San Marino to the list in § 94.18(a)(2) of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. The effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and on the importation of meat, meat products, and certain other products and byproducts of ruminants that have been in Andorra, Monaco, or San Marino.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of BSE into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** that will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required under Executive Order 12866.

We are amending the regulations by adding the Republic of San Marino and the independent principalities of Andorra and Monaco to the list of regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those required for import into the United States and/or because of inadequate surveillance to detect the presence of BSE. Therefore, the effect of this action is a restriction on the importation of ruminants that have been in Andorra, Monaco, or San Marino and meat, meat products, and certain other products of ruminants that have been in Andorra, Monaco, or San Marino. This action is necessary in order to prevent the introduction of BSE into the United States.

There is no history of importations of live animals or of animal products into the United States from Andorra, Monaco, or San Marino. Therefore, no economic effect on U.S. entities, small or otherwise, is expected to occur as a result of this interim rule.

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim 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 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7711, 7712, 7713,7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§ 94.18 [Amended]

2. Paragraph (a)(2) of § 94.18 is amended by adding, in alphabetical order, the words ''Andorra,'', ''Monaco,'', and ''San Marino,''.

Done in Washington, DC, this 29th day of May 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–13913 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–72–AD; Amendment 39–12247; AD 2001–10–04 R1]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. AT–400, AT–500, and AT–800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises AD 2001–10–04, which concerns certain Air Tractor, Inc. (Air Tractor) AT–400, AT–500, and AT–800 series airplanes. AD 2001–10–04 superseded AD 2000–14–51 and lowers the safe life for the wing lower spar cap on these airplanes. The AD was the result of numerous reports of cracks in the 3/8-inch bolthole of the wing lower spar cap on the affected airplanes. We inadvertently included certain AT–800 series airplanes in the Applicability of this AD. Those AT–800 series airplanes that are equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001–10–04. This action revises the AD to reflect this change and to provide information for applying for an alternative method of compliance with this AD. The actions specified by this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

DATES: This AD becomes effective on June 8, 2001.

The Director of the **Federal Register** previously approved the incorporation by reference of certain publications listed in the regulation as of June 8, 2001 (66 FR 27014, May 16, 2001).

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before July 13, 2001.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office

of the Regional Counsel, Attention: Rules Docket No. 2000–CE–72–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in this AD from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may look at this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–72–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rob Romero, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5102; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? Several reports of cracked wing lower spar caps on Air Tractor AT–400, AT–500, and AT–800 series airplanes have caused the manufacturer (Air Tractor) to recalculate the fatigue life of the wing lower spar cap on these airplanes. One report was an accident where the wing separated from the airplane during flight. The cracks are originating in the outboard 3/8-inch bolthole of the wing lower spar cap.

What are the consequences if the condition is not corrected? This condition could result in fatigue cracks in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

Is there service information that applies to this subject? Air Tractor has issued the following:

—Snow Engineering Company Service Letter #197, Revised March 26, 2001, which applies to certain Models AT–501, AT–502, and AT–502A airplanes;

—Snow Engineering Company Service Letter #202, Revised March 26, 2001, which applies to certain Models AT–400, AT–401, AT–401B, AT–402, AT–402A, and AT–402B airplanes;

—Snow Engineering Company Service Letter #203, Revised March 26, 2001, which applies to certain Models AT–802 and AT–802A airplanes; and

—Snow Engineering Company Service Letter #205, Revised March 26, 2001, which applies to certain Models AT–501, AT–502, AT–502B, and AT–503A airplanes.

These service letters include procedures for inspecting and replacing/modifying the wing lower spar cap on the affected airplanes.

Has FAA taken any action to this point? To address this condition, FAA issued AD 2001–10–04, Amendment 39–12230 (66 FR 27014, May 16, 2001). This AD lowers the safe life for the wing lower spar cap on Air Tractor AT–400, AT–500, and AT–800 series airplanes. This AD also allows for inspection, using eddy current methods, of the wing lower spar cap for airplanes that are at or over the lower safe life and parts are not available. Operation of the airplane is not allowed if cracks are found and inspections must be terminated when parts become available or after performing three repetitive inspections.

This AD supersedes AD 2000–14–51, Amendment 39–11837 (65 FR 46567, July 31, 2000), which currently requires inspection of the wing lower spar cap for cracks on Air Tractor Models AT–501, AT–502, and AT–502A airplanes, and modification or replacement of any cracked wing lower spar cap.

What has happened since AD 2001–10–04 to initiate this action? We inadvertently included certain AT–800 series airplanes in the Applicability of this AD. Those AT–800 series airplanes that are equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001–10–04.

In addition, we will consider inspection of the wing lower spar cap as an alternative method of compliance provided certain criteria are followed.

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

What has FAA decided? After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document continues to exist and could still develop on other Air Tractor AT–400, AT–500, and AT–800 series airplanes of the same type design;

—Those AT–800 series airplanes equipped with the factory-supplied part number 80540 computerized fire gate should not be affected by AD 2001–10–04;

—Information about the above-referenced alternative method of compliance should be incorporated into the AD; and

—AD 2001–10–04 should be revised to reflect this change and addition.

Will I have the opportunity to comment prior to the issuance of the rule? This action only clarifies the intent of AD 2001–10–04 and makes a change to not affect certain airplanes. It has no adverse economic impact and imposes no additional burden on any person than would have been necessary to accomplish AD 2001–10–04. Therefore, FAA has determined that prior notice and opportunity for public comment are unnecessary.

Comments Invited

How do I comment on this AD? Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, we invite your comments on the rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

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

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

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2000–CE–72–AD.'' We will date

stamp and mail the postcard back to you.

Regulatory Impact

Does this AD impact various entities? These regulations will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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 (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under 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. FAA amends § 39.13 by removing AD 2001–10–04, Amendment 39–12230 (66 FR 27014, May 16, 2001), and by adding a new airworthiness directive (AD) to read as follows:

2001–10–04 R1 Air Tractor, Inc.: Amendment 39–12247; Docket No. 2000–CE–72–AD; Revises AD 2001–10–04, Amendment 39–12230, which superseded AD 2000–14–51, Amendment 39–11837.

(a) *What airplanes are affected by this AD?* The following presents the airplanes (certificated in any category) that are affected by this AD, along with the new safe life (presented in hours time-in-service (TIS)) of the wing lower spar cap for all airplane models and serial numbers:

Model	Serial Nos.	Safe life
AT–400	All serial numbers beginning with 0416	13,300 hours TIS.
AT–401	0662 through 0951	10,757 hours TIS.
AT–401B	0952 through 1014 and 1016 though 1020	6,948 hours TIS.
AT–401B	1015 and 1021 through 1124	7,777 hours TIS.
AT–402	0694 through 0951	7,440 hours TIS.
AT–402A	0738 through 0951	7,440 hours TIS.
AT–402A	0952 through 1020	4,589 hours TIS.
AT–402B	0966 through 1020	4,589 hours TIS.
AT–402A	1021 through 1124	5,268 hours TIS.
AT–402B	1021 through 1124	5,268 hours TIS.
AT–501	0002 through 0061	4,531 hours TIS.
AT–501	All serial numbers beginning with 0062	7,693 hours TIS.
AT–502	0003 through 0236	4,000 hours TIS.
AT–502A	0158 through 0618	3,000 hours TIS.
AT–502B	0187 through 0618	4,000 hours TIS.
AT–503A	All serial numbers beginning with 0067	4,000 hours TIS.
AT–802	0001 through 0059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,132 hours TIS.
AT–802A	0003 through 00590059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,969 hours TIS.
AT–802	0060 through 0091 0059 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,188 hours TIS.
AT–802	0092 through 0101 except those equipped with the factory-supplied part number 80540 computerized fire gate.	8,163 hours TIS.
AT–802A	0060 through 0091 except those equipped with the factory-supplied part number 80540 computerized fire gate.	4,531 hours TIS.
AT–802A	0092 through 0101 except those equipped with the factory-supplied part number 80540 computerized fire gate.	8,648 hours TIS.

Note 1: Piston powered aircraft that have been converted to turbine power should use the limits for corresponding serial number turbine-powered aircraft.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in the wing separating from the airplane during flight.

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

Action	Compliance time	Procedures
(1) Modify the applicable aircraft records as follows to show the reduced safe life for the wing lower spar cap (that is specified in the table in paragraph (a) of this AD): (i) For the affected Models AT–802 and AT–802A airplanes: update the Owners Manual, Section 6—Airworthiness Limitations, Life Limited Parts. (ii) For all affected airplanes other than the Models AT–802 and AT–802A airplanes: incorporate the following into the Aircraft Logbook ''In accordance with AD 2001–10–04 R1, the wing lower spar cap is life limited to———(insert the applicable safe life number from the chart in paragraph (a) of this AD). (iii) If, as of the time of the logbook entry requirement of paragraph (d)(1) of this AD, your airplane is over or within 10 hours of the safe life limit, an additional 10 hours TIS is allowed to accomplish the replacement/modification.	Accomplish the logbook entry within the next 10 hours TIS after June 8, 2001 (the effective date of this AD). An additional 10 hours TIS to accomplish the modification/replacement is allowed if you are already over the safe life limit.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may modify the aircraft records as specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of Federal Aviation Regulations (14 CFR 43.9). Accomplish the actual replacements/modifications in accordance with Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.
(2) If you have ordered parts from the factory when it is time to replace the wing lower spar cap (as required per the logbook safe life reduction in paragraph (d)(1) of this AD), but the parts are not available, inspect, using eddy current methods, the wing lower spar cap. These inspections are allowed until one of the following occurs, at which time the replacement/modification (required when the lower spar cap has reached its safe life) must be accomplished: (i) Crack(s) is/are found; (ii) Parts become available from the manufacturer; or (iii) Not more than three inspections or 1,200 hours TIS go by: the first inspection would have to be accomplished upon accumulating the safe life; the second inspection would have to be accomplished within 400 hours TIS after accumulating the safe life; the third inspection would have to be accomplished 400 hours TIS after the second inspection; and the replacement/modification would have to be accomplished within 400 hours TIS after the third inspection (maximum elapsed time would be 1,200 hours TIS).	Prior to further flight after ordering the parts and thereafter at intervals not to exceed 400 hours TIS until one of the criteria in paragraphs (d)(2)(i), (d)(2)(ii), and (d)(2)(iii) of this AD is met.	In accordance with the procedures in Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.

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

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

(2) The Manager, Fort Worth Airplane Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector. The inspector may add comments before sending it to the Manager, Fort Worth ACO.

(3) Alternative methods of compliance approved for AD 2001–10–04 or AD 2000–14–51 are not considered approved for this AD.

Note 2: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Are there any alternative methods of compliance already approved or being considered for this AD?* The FAA may approve, as an as an alternative method of compliance, inspection of the wing lower spar cap. You must submit the request in accordance with the procedures in paragraph (e) of this AD and adhere to the following:

(1) If you are over or within 10 hours TIS of the safe life for the wing lower spar cap and you have ordered parts and scheduled a date for the replacement/modification, but having the replacement/modification done on this date grounds the airplane, accomplish the following:

(i) inspect the wing lower spar cap within 10 hours TIS after approval of the alternative method of compliance;

(ii) reinspect thereafter at intervals not to exceed 400 hours TIS until either cracks are found, the date of the scheduled replacement/modification occurs, or 1,200 hours TIS after the initial inspection are accumulated, whichever occurs first;

(iii) accomplish the inspections in accordance with the procedures in Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable.

(2) Submit the following to the Fort Worth Airplane Certification Office using the procedures described in paragraph (e) of this AD:

(i) The airplane model and serial number designation;

(ii) The number of hours TIS on the airplane;

(iii) The scheduled date for the replacement/modification; and

(iv) The name and location of the authorized repair shop.

(3) For more information about this issue: contact Rob Romero, Aerospace Engineer, FAA, Fort Worth ACO, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5102; facsimile: (817) 222–5960; e:mail: *Robert.A.Romero@faa.gov.*

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

(1) Only operate in day visual flight rules (VFR) only.

(2) Ensure that the hopper is empty.

(3) Limit airspeed to 135 miles per hour (mph) indicated airspeed (IAS).

(4) Avoid any unnecessary g-forces.

(5) Avoid areas of turbulence.

(6) Plan the flight to follow the most direct route.

(h) *Are any service bulletins incorporated into this AD by reference?* Replacement actions required by this AD must be done in accordance with Snow Engineering Service Letter #197, #202, #203, or #205, all Revised March 26, 2001, as applicable. The Director of the Federal Register previously approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51, as of June 8, 2001 (66 FR 27014, May 16, 2001). You may get copies of this document from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You can look at copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on June 8, 2001.

Issued in Kansas City, Missouri, on May 25, 2001.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–13737 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 51

[Public Notice 3672]

Passport Procedures—Amendment to Requirements for Executing a Passport Application on Behalf of a Minor

AGENCY: Bureau of Consular Affairs, State Department.

ACTION: Final rule.

SUMMARY: This rule finalizes the proposed rule published on October 10, 2000. The rule brings passport regulations into conformity with current practice and implements the requirements of Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act. That Section requires that both parents execute a passport application on behalf of a minor under age 14; or, if only one parent executes the application, such parent must establish his or her custodial status or the other parent's consent. It also provides for exceptions to this requirement in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary of State determines that issuance of a passport is warranted by special family circumstances.

EFFECTIVE DATE: July 2, 2001.

FOR FURTHER INFORMATION CONTACT: John Hotchner, Director, Office of Passport Policy, Planning and Advisory Services, 2401 E. Street, NW., Room 917, Washington, DC 20522–0907.

SUPPLEMENTARY INFORMATION: The Department published a proposed rule, Public Notice 3428 at 65 FR 60132, Oct. 10, 2000, with a request for comments, amending numerous sections of Part 51 of Title 22 of the Code of Federal Regulations. The rule was proposed primarily to implement provisions of Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Public Law 106–113, 113 Stat. 1501A–420 (22 U.S.C. 213n), although it also makes procedural changes to harmonize other parts of the regulations with the two-parent consent requirement. The rule was discussed in detail in Public Notice 3428, as were the Department's reasons for the other changes to the regulations. The Department is now promulgating a final rule with minor changes from the proposed rule (for example, the fact that the rule applies to both renewal and first time passport applications is clarified) and no substantive change.

Analysis of Comments

The proposed rule was published for comments on October 10, 2000 at 65 FR 60132. The comment period closed November 6, 2000, but the Department continued to accept comments (including by electronic mail) until November 28, 2000, to accommodate delays in publication and mail delivery.

The Department received forty-nine (49) comments regarding the proposed change in the procedures for applying for passports on behalf of minors under age 14. Most were received via e-mail from individuals living abroad. In addition to expressing an opinion, most of the comments also contained specific questions about implementation. The majority—26—were opposed to the concept of requiring both parents to apply for a passport on behalf of a minor under age 14, but offered few specific comments on the draft regulation. Four commentators were in favor of the requirement; one saw both sides of the issue; and 7 just asked questions but made no comment.

The majority of the comments expressed concern about the inconvenience to families who are not involved in a child custody dispute and for whom it might be difficult to have both parents apply for a passport on behalf of a minor under age 14. For example, in some cases in which a family lives far from a U.S. embassy, passport agency, or acceptance facility, it may cause hardship to the entire family to require both parents to travel to execute the application.

The regulation expressly provides for this circumstance by allowing the applying parent to present a simple written statement from the non-applying parent giving consent to the issuance of the passport. The written statement will be presented by the applying parent under penalty of perjury and will become a part of the minor's permanent passport file.

Generally, the written statement consenting to the issuance of the passport will be accepted without further questions, but additional evidence may be required if the adjudicating officer has reason to suspect that the statement is not true. If the non-applying parent neither signs the application nor provides a written statement consenting to the issuance of a passport (for whatever reason), the applying parent may submit his or her own written statement, made under penalty of perjury, explaining why the other parent did not or could not participate in the child's passport application. The adjudicating officer will then consider whether this explanation falls within the parameters of the special family circumstances exception. If the determination is made that it does not fall under that exception, the passport will be denied. We anticipate that there will be very few instances where passports will be denied under these circumstances.

Another concern was raised by single parents who are no longer in contact with the minor's other parent.

The regulation provides that parents need only present documentary evidence of sole custody, i.e., a birth certificate or adoption decree listing

only one parent, evidence of the death of a parent, a decree granting sole custody, or a court order terminating the other parent's parental rights. The Department will consider other documentary evidence as warranted by the circumstances. If no documentary evidence is available, the applying parent may submit a written statement under penalty of perjury setting out the circumstances that prevent him or her from presenting the requested documentation.

Some comments referred to the ability of non-U.S. citizens to obtain a U.S. passport for their U.S. citizen child or to inhibit the issuance of their child's passport when applied for by the U.S. citizen parent.

The fact that a parent is not a U.S. citizen does not limit his or her ability to obtain a U.S. passport on behalf of his or her minor U.S. citizen child. Similarly, a non-U.S. citizen parent may request that no U.S. passport be issued to a U.S. citizen minor if that parent has legal custody of the child. The new regulation does not change the rights of parents in this respect.

The Department has a long-standing program that provides for parental notification and the denial of a passport to a minor of any age who is the subject of a child custody dispute. The Children's Passport Issuance Alert Program enables the Department of State's Office of Children's Issues to notify a parent or legal guardian, when requested, before issuing a U.S. passport for his or her child. At the request of a custodial or non-custodial parent, legal guardian, legal representative, or a court of competent jurisdiction, the Department will enter the child's name into its passport name check clearance system. This allows the Department to alert the requesting parent if a passport application is received for the child. To deny the passport application, the Department must have on file a written request for denial from a parent, legal guardian, or an officer of the court, and a complete copy of a temporary or permanent court order that provides for: (1) Sole legal custody to the requesting parent; (2) joint custody to both parents (which the Department treats as inherently requiring both parents to consent to passport issuance); or (3) a restriction on the child's travel or a requirement of that both parents or the appropriate court give permission to travel. The Department strongly encourages parents who fear that their child may be abducted to continue to make use of this program.

The public comments expressed concern that some U.S. citizen children are dual citizens and may be entitled to a foreign passport.

A U.S. citizen child may have another nationality because the child was born abroad, because one of the child's parents acquired a foreign nationality at birth, or because one of the child's parents acquired a second nationality through naturalization in another country. Acquisition of foreign nationality may occur in these cases without regard to the wishes of the U.S. citizen parent of the child. Similarly, the child of foreign nationals may acquire U.S. citizenship regardless of the child's parent's wishes (e.g., if the child is born in the United States). The inability to obtain a U.S. passport will not necessarily prevent a dual national child from obtaining and traveling on a foreign passport. While some foreign countries will give effect to U.S. custody orders, they are generally free to issue passports to their nationals, including minor children.

The Comments Also Contained Specific Questions That Are Addressed Below

Will currently valid passports held by minors under age 14 continue to be valid after the two-parent application requirement goes into effect?

Yes, currently valid passports will continue to be valid until their expiration date, generally five years from the date of issuance. However, when those passports expire, the two-parent consent requirement will apply for new or renewal passport requests if the child is still under age 14.

Once a passport is actually issued, will there need to be two signatures in the passport in order for it to be valid?

No. Only one parent need sign the passport.

Can the rule apply only to renewals and not first time applicants?

No. The statute specifically applies to all passports issued for minors under age 14.

Do the new statute and its implementing regulation require both parents to travel with their minor?

No. The statute and regulation apply only to the application for the passport, not to the actual use of the passport.

Will U.S. citizen children who are unable to obtain a U.S. passport due to lack of the second parent's permission be granted visas in their foreign passports to enable travel to the United States?

No. U.S. law specifically prohibits the issuance of a U.S. visa to a U.S. citizen or national.

Will additional fees be charged for the two signatures?

No, the same passport fee for minors remains in effect.

What is considered an exigent circumstance?

Some examples of exigent circumstances would include, but not be limited to: (1) A minor who needs to travel due to a serious illness of a person in the minor's immediate family; (2) a minor who must travel to receive emergency medical treatment; (3) a minor who has his or her passport lost or stolen while traveling abroad accompanied by only one parent, or traveling unaccompanied by a parent or parents with a school, church or other group, and who needs to travel immediately to another overseas destination.

What is considered a special family circumstance?

Examples of special family circumstances include, but are not limited to: (1) A situation in which the non-applying parent has abandoned the family, and his or her whereabouts are unknown; or (2) a situation in which the non-applying parent is unable to give written consent due to serious health problems. Instances involving inconvenience to the non-applying parent will not be considered a special family circumstance, however. A non-applying parent who cannot personally appear at an acceptance facility, passport agency, or U.S. embassy, consulate or consular agency abroad to sign the minor's application may send the signed consent statement by overnight delivery if the minor's travel is urgent, or fax it to the applying parent or passport issuing office if the minor's travel is imminent.

When both parents have abandoned the minor or are deceased and there has been no formal or legal determination of custody or guardianship (such as when a grandparent, aunt, uncle, brother or sister has assumed responsibility), documentation of legal custody or guardianship must be obtained and submitted. If exigent circumstances apply to a child in this situation, a passport would be issued without such documentation if failure to do so would cause grave danger to the child. Examples would include medical evacuation of a child from a foreign country to the United States or an emergency evacuation of U.S. citizens from a foreign country during a period of civil unrest.

Additional Comments

In crafting the regulations to implement the statute uniformly and fairly, the Department sought to implement the statute in a way that will: (1) Use the passport application process as a vehicle for deterring parental child abduction; (2) minimize any

unnecessary inconvenience to parents in the majority of cases that do not involve parental abduction issues; and (3) fulfill the Department's responsibilities for passport issuance and the protection of U.S. citizens abroad. We feel that the final regulation meets those goals. A central feature of the regulation is that it puts the full burden of responsibility for the bona fides of the documentation submitted and the truthfulness of representations made therein on the applying parent or legal guardian, who will be subject to criminal penalties for making false statements to procure a passport. Although not obligated to do so in any particular case, the Department reserves its right to investigate or verify the truthfulness of assertions made during the application process, or to confirm the validity of documents presented in support of the application.

Implementation Date

The effective date of this regulation is July 2, 2001. This date will give the Department time to redesign, obtain required approval under the Paperwork Reduction Act for, and print a new passport application form with signature blocks for both parents' signatures. It will also avoid introducing a new requirement into the application process during the peak pre-summer travel period. Finally, it will give the Department sufficient time to disseminate information regarding the new requirement.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a final rule after it was published as a proposed rule on October 10, 2000 (see **SUPPLEMENTARY INFORMATION**).

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $1 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review.

Executive Order 13132

This regulation 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

The reporting or recordkeeping action required from the public under the rule requires the approval of the Office of Management and Budget under the Paperwork Reduction Act. A form for documenting the written consent of a parent not applying or special circumstances why such parent's written consent cannot be obtained is being forwarded to OMB as required.

List of Subjects in 22 CFR Part 51

Administrative practice and procedure, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, 22 CFR part 51 is amended as follows:

PART 51—PASSPORTS

1. The authority citation for part 51 is revised to read as follows:

Authority: 22 U.S.C. 211a, 213, 2651a, 2671(d)(3), 2714 and 3926; 31 U.S.C. 9701; E.O. 11295, 3 CFR, 1966–1970 Comp., p. 570; sec. 236, Pub. L.106–113, 113 Stat. 1501A–430; 18 U.S.C. 1621(a)(2).

2. In § 51.1, redesignate paragraphs (g) and (h) as paragraphs (h) and (i), respectively, and add a new paragraph (g) to read as follows:

§ 51.1 Definitions.

* * * * *

(g) *Passport Application* means the application form for a United States passport, filled in, subscribed and executed as prescribed by the Secretary pursuant to 22 U.S.C. 213, and all documents, photos and statements submitted with the form or thereafter in support of the application. A person providing false information as part of a passport application, whether contemporaneously with the application form or at any other time, is subject to prosecution for passport fraud or perjury under all applicable criminal statutes, including but not limited to 18 U.S.C. 1001, 1541, *et seq.* and 1621.

* * * * *

3. Revise § 51.21(d)(4)(ii) to read as follows:

§ 51.21 Execution of passport application.

* * * * *

(d) * * *

(4) * * *

(ii) Mail applications abroad on behalf of minors under the age of 14 must comply with the requirements of § 51.27;

* * * * *

4. In § 51.27, revise paragraph (b) and paragraph (d)(l)(i) introductory text to read as follows:

§ 51.27 Minors.

* * * * *

(b) *Execution of the application for minors. (1) Minors 14 years of age and above.* A minor aged 14 and above is required to execute an application on his or her own behalf unless, in the judgment of the person before whom the application is executed, it is not desirable for the minor to execute his or her own application. In such a case, it must be executed on behalf of the minor aged 14 and above by a parent or guardian of the minor or by a person in loco parentis.

(2) *Minors under the age of 14.* (i) Except as specifically provided in this section, both parents or each of the child's legal guardians, if any, whether applying for a passport for the first time or for a renewal, must execute the application on behalf of a minor under age 14 under penalty of perjury, and provide documentary evidence of parentage showing the minor's name, date and place of birth, and the names of the parent or parents.

(ii) A passport application may be executed on behalf of a minor under age

14 by just one parent or legal guardian if such person provides, under penalty of perjury:

(A) Documentary evidence that such person is the sole parent or has sole custody of the child; or

(B) A written statement of consent from the non-applying parent or guardian, if applicable, to the issuance of the passport.

(iii) An individual may apply in *loco parentis* on behalf of a minor under age 14 by submitting a notarized written statement or a notarized affidavit from both parents specifically authorizing the application. However, if only one parent provides the notarized written statement or notarized affidavit, documentary evidence that such parent has sole custody of the child must be presented.

(iv) Documentary evidence in support of an application executed on behalf of a minor under age 14 by one parent or person in loco parentis under paragraphs (b)(2)(ii) and (iii) of this section may include, but is not limited to, the following:

(A) A birth certificate providing the minor's name, date and place of birth and the name of the sole parent;

(B) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS–240) or a Certification of Report of Birth of a United States Citizen (DS–1350) providing the minor's name, date and place of birth and the name of the sole parent;

(C) An adoption decree showing only one adopting parent;

(D) An order of a court of competent jurisdiction granting sole custody to the applying parent or legal guardian and containing no travel restrictions inconsistent with issuance of the passport;

(E) A judicial declaration of incompetence of the non-applying parent;

(F) An order of a court of competent jurisdiction specifically permitting the applying parent's or guardian's travel with the child;

(G) A death certificate for the non-applying parent; or

(H) A copy of a Commitment Order or comparable document for an incarcerated parent.

(v) In instances when a parent submits a custody decree invoking the provisions of paragraph (d)(1) of this section, the judicial limitations on the minor's ability to travel contained in the custody decree will be given effect.

(vi) The requirements of paragraphs (b)(2)(i), (ii) and (iii) of this section may be waived in cases of exigent or special family circumstances, as determined by a Department official designated under paragraph (b)(2)(vi)(E) of this section.

(A) Exigent circumstances are defined as time-sensitive circumstances in which the inability of the minor to obtain a passport would jeopardize the health and safety or welfare of the minor or would result in the child being separated from the rest of his or her traveling party.

(B) ''Time-sensitive'' generally means that there is not enough time before the minor's emergency travel to obtain either the required consent of both parents/guardians or documentation reflecting a sole parent's/guardian's custody rights.

(C) Special family circumstances are circumstances in which the minor's family situation makes it impossible for one or both of the parents to execute the passport application.

(D) A parent applying for a passport for a child under age 14 under this paragraph (b)(2)(vi) must submit with the application a written statement subscribed under penalty of perjury describing the exigent or special family circumstances the parent believes should be taken into consideration in applying an exception.

(E) Determinations under this paragraph (b)(2)(vi) may be made by a senior passport adjudicator or the Deputy Assistant Secretary for Passport Services for an application filed within the United States, or a consular officer or the Deputy Assistant Secretary for Overseas Citizens Services for an application filed abroad.

(vii) Nothing contained in this section shall prohibit any Department official adjudicating a passport application on behalf of a minor from requiring an applicant to submit other documentary evidence deemed necessary to establish the applying adult's entitlement to obtain a passport on behalf of a minor under the age of 14 in accordance with the provisions of this regulation.

* * * * *

(d) * * *

(1)(i) When there is a dispute concerning the custody of a minor under age 18, a passport may be denied if the Department has on file, or is provided in the course of a passport application executed on behalf of a minor, a copy of a court order from a court of competent jurisdiction in the United States or abroad which:

* * * * *

5. Revise § 51.40 to read as follows:

§ 51.40 Burden of proof.

The applicant has the burden of proving that he or she is a national of the United States.

6. Revise § 51.41 to read as follows:

§ 51.41 Documentary evidence.

Every application shall be accompanied by evidence of the U.S. nationality of the applicant.

Dated: May 10, 2001.

For the Secretary of State.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–13845 Filed 6–1–01; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–048]

Safety Zone: Captain of the Port Detroit Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of final rule.

SUMMARY: The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during June 2001. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

DATES: Effective from 12:01 a.m.(EST) on June 1, 2001 to 11:59 p.m.(EST) on June 30, 2001.

FOR FURTHER INFORMATION CONTACT: Ensign Brandon Sullivan, U.S. Coast Guard Marine Safety Office Detroit, MI (313) 568–9580.

SUPPLEMENTARY INFORMATION: The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during June 2001. The following safety zones are in effect for fireworks displays occurring in the month of June 2001:

(1) *Bay-Rama Fishfly Festival*, New Baltimore, MI. Location: All waters off New Baltimore City Park, Lake St. Clair-Anchor Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42° 41′N, 082° 44′W, June 13, 2001, from 9 p.m. to 11 p.m.

(2) *Jefferson Beach Marina Fireworks*, St. Clair Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 32′N, 082°

51′W, about 1000 yards east of Jefferson Beach Marina on June 28, 2001, from 9:30 p.m. to 10:30 p.m.

(3) *St. Clair Shores Fireworks*, St. Clair Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 32′N, 082° 51′W, about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores, MI on June 29, 2001, from 10 p.m. to 10:30 p.m.

(4) *City of Wyandotte Fireworks*, Wyandotte, MI. Location: The waters off the breakwall between Oak & Van Alstyne St., Detroit River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42° 12′N, 083° 09′W on June 29, 2001 from 9:15 p.m. to 10:15 p.m.

(5) *Grosse Pointe Farms Fireworks*, Grosse Pointe Farms, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 23′N, 082° 52′W, about 300 yards east of Grosse Pointe Farms on June 30, 2001 from 9:30 p.m. to 10:30 p.m.

(6) *Grosse Ile Yacht Club Fireworks*, Grosse Ile, MI. Location: The waters off the Grosse Ile Yacht Club deck, Detroit River bounded by the arc of a circle with a 300-yard radius with its center approximately located at 42° 05′N, 083° 09′W on June 30, 2001 from 9:45 p.m. to 10:45 p.m.

(7) *Sigma Gamma Assoc.*, Grosse Pointe Farms, MI. Location: The waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42° 27′N, 082° 52′W on June 25, 2001 from 9 p.m. to 10 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of the events. Vessels may not enter the safety zones without permission from Captain of the Port Detroit. If you would like permission, contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Spectator vessels may anchor outside the safety zones but are cautioned not to block a navigable channel.

Dated: May 25, 2001.

S.P. Garrity,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 01–14091 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 110 and 111

[USCG–1999–6096]

RIN 2115–AF89

Marine Shipboard Electrical Cable Standards

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard amends its electrical engineering regulations for merchant vessels by adding alternate cable standards that are equivalent to the existing standards. Our purpose is to revise requirements that create an unwarranted difference between domestic rules and international standards for marine cable.

DATES: This final rule is effective July 5, 2001. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 5, 2001.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–1999–6096 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Dolores Mercier, Project Manager, Office of Design and Engineering Standards (G–MSE), Coast Guard, telephone 202–267–0658. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 8, 2000, we published a notice of proposed rulemaking (NPRM) entitled ''Marine Shipboard Electrical Cable Standards'' in the **Federal Register** (65 FR 6111). Following publication of the NPRM, we received several requests to hold a public meeting. In response to these requests, we scheduled a public meeting for June 28, 2000. We notified the public of the meeting in a notice of public meeting and reopening of comment period published on June 5, 2000 (65 FR 35600). On June 26, 2000, we published a correction to the notice (65 FR 39334). On July 27, 2000, we published a notice to reopen the comment period (65 FR 46143).

Background and Purpose

Since the last revision of our electrical engineering regulations in 46 CFR chapter I, subchapter J, (62 FR 23894, May 1, 1997), we have received a number of letters concerning the construction requirements in 46 CFR 111.60–1 and 111.60–3 for cable used on merchant vessels. Sections 111.60–1 and 111.60–3 allow the use of cables meeting certain industry standards listed in those sections. The letters suggest that there are other cable standards beside those listed in the two sections that would provide a level of performance and safety equivalent to the listed standards. The Coast Guard completed equivalency determinations on UL 1309 (1995); IEC 92–350, 1988, amendment 1 (1994); and IEC 92–353 (1995–01) and found them to be equivalent.

Discussion of Comments and Changes

The Coast Guard received 58 comments on the notice of proposed rulemaking (NPRM). Here, we discuss first comments of a general nature, then comments relating to specific sections of the regulation.

I. General Comments

1. Several commenters liked the proposed changes to §§ 111.60–1 and 111.60–3. They agreed that the changes offered the entire maritime industry more flexibility and increased the clarity of the regulations without compromising performance or safety. A number of comments commended the Coast Guard's effort to enhance its marine shipboard electrical cable regulation and incorporate industry standards, both domestic and international.

2. Eight comments recommended that the Coast Guard use the new IEC numbering system for its references to any IEC standard.

The Coast Guard agrees with these comments and will change them throughout 46 CFR as part of a separate rulemaking.

3. Six comments stated that the Coast Guard requires marine shipboard electrical cable to be certified by an independent laboratory.

The Coast Guard does not require third-party verification for marine shipboard electrical cable. The cable manufacturer may self-certify its cable

to any of the cable standards listed in § 111.60–1(a).

4. Three comments suggested that the Coast Guard list in 46 CFR all cable types approved by the Coast Guard as meeting a particular standard.

If the cable meets a standard accepted by the Coast Guard, the standard's number (e.g., IEC 92–3) appears on the cable markings. Therefore, there is no need to also list them in the regulations.

5. Several comments recommended that the edition of IEEE Std 45 referenced in the existing regulations be changed from the 1983 edition to the 1998 edition.

As a separate project, we published a request for comments on January 8, 2001 (66 FR 1283), regarding this specific recommendation, and we look forward to receiving additional comments on this topic under that notice.

6. Eleven comments stated that IEC 92–3 was an obsolete standard and should not be referenced in 46 CFR chapter I, subchapter J.

The Coast Guard still recognizes IEC 92–3 as an acceptable standard, however it will be reviewed as part of a future rulemaking.

7. Two comments asked whether NVIC 2–89, Guide for Electrical Installation on Merchant Vessels and Mobile Offshore Drilling Units, will still be valid with the incorporation of UL 1309 in §§ 111.60–1 and 111.60–3.

NVIC 2–89 is not affected by this rulemaking.

II. Comments on Specific Sections

Section 111.60–1

1. Six comments agreed with adding IEC 92–350 and IEC 92–353 to §§ 111.60–1(a) and 111.60–3. These comments agree that the current marine shipboard cable regulations create an unwarranted differential between domestic rules and international standards. Some comments also pointed out that classification societies, such as American Bureau of Shipping (ABS) and Det Norske Veritas (DNV), accept IEC standards in their regulations.

2. Three comments recommended that IEC 92–350 not be added to § 111.60–1(a), as proposed, because IEC 92–353, which is also added to § 111.60–1(a), refers to IEC 92–350.

Although IEC 92–350 is referred to in IEC 92–353, the Coast Guard accepts only the 1988, amendment 1 (1994), edition of IEC 92–350. Therefore, IEC 92–350 is listed here and in § 110.10–1(b) to let the user know which revision of the standard we recognize.

3. Seven comments disagreed with adding IEC 92–350 and IEC 92–353 to §§ 111.60–1 and 111.60–3. The reason most stated for this disagreement was that the thickness of the insulation of the IEC cable is less than the thickness of cable insulation under IEEE Std 45, 1983.

We agree that the IEC cable does have thinner insulation and, because of this, we require the use of the derated ampacity and temperature table in IEC 92–352 for this cable. We have added this requirement for all cable constructed to IEC 93–353 and have added ''IEC 92–353'' to §§ 111.60–3(c).

4. Fourteen comments commended the Coast Guard's initiative in adding UL Std 1309 (1995) to §§ 111.60–1(a) and 111.60–3(a).

5. Five comments stated that cable constructed to UL 1309 provides for third-party testing of the cable. UL Std 1309 (1995), in itself, does not require or guarantee third-party testing (listing by UL). It is a construction standard to which a manufacturer may self-certify its cable. The manufacturer may then label the cable as meeting UL Std 1309 (1995), section 5(f). Third-party verification would be initiated if the cable manufacturer requests that the testing of the cable to UL Std 1309 (1995) be performed by an independent laboratory.

6. Three comments recommended that UL Std 1309 (1995) not be used in the electrical cable regulations, because they believe the standard is not an industry consensus standard.

UL standards are widely recognized throughout the maritime industry on an international level.

7. Six comments requested that the Coast Guard identify only one standard in § 111.60–1(a) and (b) for the flammability requirements for marine shipboard electrical cable.

The current flammability standards are equivalent to one another. This allows manufacturers the flexibility to test their cables to one of the flammability standards in § 111.60–1(a) or (b).

8. Two comments stated that the low smoke zero halogen cable referred to in IEC 92–353 could not meet the flammability standards in IEC 332–3, as required by § 111.60–1(b).

In response to these comments, all cable must meet the flammability requirements of § 111.60–1(a) or (b).

9. Three commenters were concerned that the temperature ratings for Type T/N cable would be changed.

Before this rulemaking, the Coast Guard accepted, based on an equivalency determination, Type T/N cable that carried a rating of 75 °C or 90 °C. Both of these ratings for Type T/N cable are listed in UL 1309. Therefore, ratings for these cables are not affected by this rulemaking.

10. Two comments noted that, though we now allow, in § 111.60–1(a), the use of cable meeting UL Std 1309 or IEC 92–350, we do not have installation requirements for those cables.

Section 111.60–5(a) states that each cable installation must meet (1) IEEE Std 45 sections 20 (except 20.11) and 22; or (2) IEC 92–3 and paragraph 8 of IEC 352.

Section 111.60–3

11. Six comments pointed out that Type T/N cable can not meet the application standards listed in UL Std 1309 (1995), as proposed in § 111.60–3(b), because that standard is a construction and testing standard.

We agree with these comments and will not make the proposed change to 46 CFR 111.60–3(b). For application purposes, Type T/N cable must meet the section 19 of IEEE Std 45, 1983, for Type T insulation.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 110.10–1(b) for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are also available from the sources listed in that section.

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). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The rule is intended to provide a greater choice in the type of shipboard cable by allowing the use of cable made to standards other than those specified in the current regulations. This will increase the number of choices for vessel owners without increasing costs. In addition, it will benefit vessel owners by enhancing competition within the cable industry.

We received three comments indicating that the proposed rule would significantly increase the cost of doing business for U.S. cable manufacturers. The comments expressed concern that foreign cable would be more cost

advantageous for shipyards and installers.

This rule is intended to harmonize the Coast Guard's cable requirements with those of classification societies and international performance-based standards. It does not add additional requirements for U.S. cable manufacturers nor restrict them from also manufacturing cable to the newly added standards. The cable currently produced by U.S. manufacturers that meets the other standards listed in §§ 111.60–1(a) (*i.e.,* IEEE Std 45, IEC 92–3, MIL–C–24640A, or MIL–C–24643A) will still be acceptable for shipboard use. Consequently, we disagree that this rule will increase the costs of doing business for U.S. cable manufacturers. However, this rule does add alternatives to the existing standards that will be accepted. End users will gain flexibility from having more purchasing options. If end users, such as small businesses, are able to save money from having additional options due to increased competition, the cost savings to them would be considered an economic benefit of this rulemaking.

Small Entities

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

As discussed in the Regulatory Evaluation section of this preamble, there are no costs associated with this rule. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

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 Summary Impact Statement

We have analyzed this rule under Executive Order 13132, Federalism. This rule amends the regulations on vessel design and construction. In particular, it provides vessel owners with additional options in the choice of cable used on their vessels.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703(a), 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as casualty reporting and other categories where Congress has intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from State regulation. (See the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S. Ct. 1135 (March 6, 2000).)

This entire rule falls into the field encompassed by 46 USC 3306 and 3703(a), where, by operation of law, State regulation is precluded. For this reason, consultation under section 6 of the Executive Order would not be meaningful and, therefore, is unnecessary.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

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.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Rules with tribal implications have substantial direct effects 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.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(d) and (e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule concerns the equipping of, and carriage requirements for, vessels. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 110

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Incorporation by reference, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 110 and 111 as follows:

PART 110—GENERAL PROVISIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; § 110.01–2 also issued under 44 U.S.C. 3507.

2. In § 110.10–1(b), in the entries for ''International Electrotechnical Commission'' and ''Underwriters Laboratories, Inc.,'' revise the introductory text and add, in numerical order, new standards IEC 92–350, IEC 92–353, and UL 1309 to read as follows:

§ 110.10–1 Incorporation by reference.

* * * * *

(b) * * *

* * * * *

International Electrotechnical Commission (IEC) 3, rue de Varembe, Geneva, Switzerland. (Also available from ANSI—address above.)

* * * * *

IEC 92–350, Electrical Installations in Ships, Part 350: Low-Voltage Shipboard Power Cables—General Construction and Test Requirements, 1988, Amendment 1 (1994) .111.60–1

* * * * *

IEC 92–353, Electrical Installations in Ships, Part 353: Single and Multicore

Non-radial Field Power Cables with Extruded Solid Insulation for Rated Voltages 1 kV and 3 kV, Second edition, 1995–01—111.60–1, 111.60–3

* * * * *

Underwriters Laboratories, Inc. (UL) 12 Laboratory Drive, Research Triangle Park, NC 27709–3995.

* * * * *

UL 1309, Standard for Marine Shipboard Cable, First edition, July 14, 1995—111.60–1, 111.60–3

* * * * *

PART 111—ELECTRIC SYSTEMS—GENERAL REQUIREMENTS

3. The authority citation for part 111 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46.

4. In § 111.60–1, revise paragraphs (a) and (b) and the introductory text of paragraph (c) to read as follows:

§ 111.60–1 Cable construction and testing.

(a) Each marine shipboard cable must meet all of the construction and identification requirements of either IEEE Std 45, IEC 92–3, IEC 92–350, IEC 92–353, UL 1309, MIL–C–24640A, or MIL–C–24643A (incorporated by reference, see § 110.10–1 of this chapter), and the respective flammability tests contained in them and be of a copper stranded type.

Note to Paragraph (a): MIL–C–915 cable is acceptable only for repairs and replacements in kind. MIL–C–915 cable is no longer acceptable for alterations, modifications, conversions, or new construction. (See § 110.01–3 of this chapter).

(b) Each cable constructed to IEC 92–3 or IEC 92–353 must meet the flammability requirements of IEC 332–3, Category A.

(c) Electrical cable that has a polyvinyl chloride insulation with a nylon jacket (Type T/N) must meet UL 1309 or must meet the requirements for polyvinyl chloride insulated cable in section 18 of IEEE Std 45. If meeting the requirements for polyvinyl chloride insulated cable in IEEE Std 45, section 18, the following exceptions apply—

* * * * *

5. In § 111.60–3, revise paragraphs (a) and (c) to read as follows:

§ 111.60–3 Cable application.

(a) Cable constructed according to IEEE Std 45 must meet the cable application provisions of section 19 of IEEE Std 45. Cable constructed according to IEC 92–3, IEC 92–353, or UL 1309 must meet the provisions of section 19 of IEEE Std 45, except 19.6.1, 19.6.4, and 19.8. Cable constructed according to IEC 92–3 and IEC 92–353 must comply with the ampacity values of IEC 92–352, Table 1.

* * * * *

(c) Cable constructed according to IEEE Std 45 must be derated according to Table A6, Note 6, of IEEE Std 45. Cable constructed according to IEC 92–3 or IEC 92–353 must be derated according to IEC 92–352, paragraph 8. MIL–C–24640A and MIL–C–24643A cable must be derated according to MIL–HDBK–299(SH).

Dated: March 30, 2001.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–13706 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 24

[GEN Docket No. 90–314, ET Docket No. 92–100 and PP Docket No. 93–253; FCC 01–135]

Amendment of the Commission's Rules To Establish New Personal Communications Services, Narrowband PCS; Implementation of Section 309(j) of the Communications Act—-Competitive Bidding, Narrowband PCS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commissions (FCC) modifies existing narrowband Personal Communications Services (PCS) rules in three ways. With this document, the FCC channelizes and licenses the one megahertz of narrowband PCS spectrum heretofore held in reserve, re-channelizes 712.5 kilohertz of previously channelized spectrum for which licenses have not been auctioned, and adopts a narrowband PCS channel band plan that includes both nationwide and Major Trading Areas (MTA) licenses. The document also addresses the petitions for reconsideration filed responding to the Narrowband PCS Second Report and Order/Second Further Notice. These actions resolve remaining issues to prepare for future license auctions, of the remaining narrowband PCS spectrum.

DATES: Effective August 3, 2001.

FOR FURTHER INFORMATION CONTACT: Wilbert E. Nixon, Jr., Wireless Telecommunications Bureau, at (202) 418–7240.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Third Report and Order and Order On Reconsideration, FCC 01–135, in GEN Docket No. 90–314, ET Docket No. 92–100 and PP Docket No. 93–253, adopted on April 19, 2001 and released on May 3, 2001. The full text of this Third Report and Order and Order On Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Synopsis of Third Report and Order on Reconsideration

I. Introduction

1. In this order, we adopt further modifications to our existing narrowband Personal Communications Services (PCS) rules, in three major respects. First, we will channelize and license the one megahertz of narrowband PCS spectrum that has heretofore been held in reserve. Second, we will re-channelize 712.5 kilohertz of previously channelized spectrum for which licenses have not been auctioned. Third, we adopt a narrowband PCS channel band plan that includes both nationwide and Major Trading Areas (MTA) licenses. In adopting these new rules, we also address the petitions for reconsideration filed in response to the Narrowband PCS Second R&O/Second Further Notice, (65 FR 35843–35901, June 6, 2000). The action we take today resolves the remaining issues concerning narrowband PCS in preparation for auctioning licenses for the remaining narrowband PCS spectrum in the near future

II. Discussion

2. In this order, we address in turn (1) the licensing of the reserve spectrum, (2) the band plan for the reserve and other remaining spectrum for which licenses have not been auctioned, including channel size and services area size for all licenses and (3) eligibility restrictions for response channels and

the PSMI petition. Because there is some overlap of issues raised in the petitions for reconsideration and the responses to the Second Further Notice of Proposed Rulemaking, we will dispose of each petition as we address the pertinent issue. For the reasons explained below, we grant the PCIA petition in part, deny the PSMI petition, and adopt the proposals of the Narrowband PCS Second R&O/Second Further Notice, (65 FR 35875–35902, June 6, 2000) with consideration given to both the PCIA and WebLink band plan proposals.

A. Licensing of the Reserve Spectrum

3. In the Narrowband PCS R&O/Further Notice, the Commission tentatively concluded that the one megahertz of spectrum that it had reserved in the PCS First Report and Order should be channelized and licensed. The Commission believed that licensing this spectrum would serve the public interest by facilitating competition, opening the market to new entrants, and allowing existing narrowband PCS licensees to expand their systems through access to additional spectrum.

4. Despite opposition found in the earlier record, the Commission tentatively concluded, in the Narrowband PCS Second R&O/Second Further Notice, that it was in the public interest to proceed with licensing the one megahertz of narrowband PCS spectrum that has been held in reserve. The Commission believed that the unencumbered spectrum should be made available to those interested in bringing new and innovative services to the public, and that the Commission should not limit service options by limiting the spectrum available. In that order, the Commission also tentatively concluded that licenses for the reserve spectrum should be auctioned along with licenses for all of the other remaining narrowband PCS spectrum.

5. All commenters now support licensing the reserve spectrum. We agree that licensing the reserve spectrum will help narrowband PCS licensees remain competitive with other CMRS providers and will also help promote new and innovative services and the opening of the market to new entrants. Consequently, we will proceed with the licensing of the reserve spectrum.

B. Band Plan for the Reserve Spectrum and Other Remaining Unauctioned Spectrum

6. In the Narrowband PCS Second R&O/Second Further Notice, the Commission sought comment on how to channelize the reserve spectrum and whether to rechannelize the narrowband PCS spectrum that had been channelized previously but not yet licensed. The Commission was primarily concerned with whether to create larger spectrum blocks for potential bidders and service providers. We received comments from a variety of service providers, large and small. The views of the overwhelming majority of commenters on this issue are represented by the PCIA band plan and WebLink's proposed modification of the PCIA band plan.

1. Channel Size

7. PCIA proposes a ''consensus'' band plan that channelizes the reserve spectrum, and re-channelizes the other remaining spectrum for which licenses have not been auctioned. This available spectrum includes nine frequencies currently available for assignment on an MTA basis (two 50 kHz/50 kHz paired channels, five 50 kHz/12.5 kHz paired channels, and two 50 kHz unpaired channels), paging response channels to be licensed on an MTA basis (eight 12.5 kHz unpaired channels), the spectrum of five regional licenses that were auctioned but subsequently cancelled (Channel 13, a 50 kHz/50 kHz paired channel), the spectrum of one nationwide license that was auctioned but subsequently cancelled (a 50 kHz unpaired channel), and the one megahertz of reserve spectrum that the Commission had proposed to divide into three channels (two 300 kHz unpaired channels and one 400 kHz unpaired channel.) Specifically, PCIA urges the Commission to rechannelize the remaining spectrum for which licenses have not been auctioned into larger blocks that could be aggregated or disaggregated to suit the carrier's needs. Its band plan, which proposes a 50 kHz bandwidth as the standard building block, accommodates ReFLEX, a new protocol created by Motorola to enable two-way paging and messaging. The PCIA band plan proposes MTA-based licenses for one 12.5 kHz unpaired channel and one 50 kHz/50 kHz paired channel. It proposes nationwide or regional licenses for six 50 kHz unpaired channels, five 100 kHz unpaired channels, one 100 kHz/50 kHz paired channel, and four 150 kHz/50 kHz paired channels.

8. PCIA asserts that its band plan provides incumbent licensees and potential market entrants—both small and large businesses alike—with maximum flexibility to construct optimal licensed areas. Further, PCIA states that for those entities that require paired spectrum, there are several paired licenses of varying sizes. PCIA argues that there are a number of unpaired licenses that can be accumulated by auction participants who might desire unpaired spectrum and that the unpaired spectrum can also be aggregated during an auction to permit pairing by those applicants who desire such pairing. PCIA argues that the use of channel blocks larger than 50 kHz would limit participation by smaller players that cannot rely on large spectrum holders to partition or disaggregate their spectrum. Companies that require larger blocks of spectrum may aggregate 50 kHz blocks to suit their needs. PCIA claims that its proposed band plan would allow for a single auction of licenses for the reserve and other remaining spectrum but that this might not be true of a different plan.

9. We agree with PCIA that its channelization plan will serve the public interest in that new market entrants and existing licensees may utilize the additional spectrum offered in the most efficient manner possible. PCIA's proposed bandplan is consistent with our original bandplan in that both plans rely on a 50 kHz bandwidth as the standard building block. PCIA's consensus proposal, however, includes wider bandwidth channels of 100 kHz up to 300 kHz compared with the current rules that vary from 12.5 kHz up to 100 kHz. Most commenters support the PCIA band plan or some variation and there is no significant industry dispute regarding the channel size and pairings aspects of the PCIA band plan. We agree with PCIA and Motorola that the band plan using the 50 kHz REFLEX technology represents a reasonable compromise between large and small carriers because (a) the channel size is consistent with base station and end user equipment already in use today; (b) it takes advantage of the current large installed base of equipment and infrastructure; (c) it allows incumbents to utilize existing advanced messaging technologies or develop new ones; and (d) it allows new entrants and/or small businesses who don't have research and development capital or market share/power to quickly get a competitive system up and running. We conclude that the PCIA channelization plan represents a reasonable compromise among its industry members that optimizes existing technology and telecommunications infrastructure to enhance the competitiveness and efficiency of current narrowband PCS communications.

2. Service Area Size

10. In the Narrowband PCS Second R&O/Second Further Notice, the

Commission eliminated Basic Trading Areas (BTAs) as a geographic licensing unit for narrowband PCS. The Commission found BTAs to be too small to provide viable narrowband service. Instead, the Commission adopted MTAs as the appropriate service area size for future licensing of narrowband PCS. The Commission concluded that narrowband PCS could be licensed using MTAs without compromising the goal of ensuring entry for small businesses.

11. PCIA urges the Commission to reconsider its decision to license all remaining spectrum on the basis of MTAs. PCIA proposes that the Commission license the majority of the remaining spectrum on a nationwide basis, with the rest licensed based upon regional and MTA service areas. Although PCIA supported MTA-based licensing in its comments filed in 1997, it now contends that the paging/messaging market has matured and changed such that the ability to provide coast-to-coast coverage is of paramount importance to many, if not most, licensees. PCIA argues that licensing of all remaining spectrum on an MTA basis will impede the ability of narrowband PCS licensees to compete with other CMRS providers, further that the marketplace demands that wireless Internet/data providers be capable of providing nationwide service, and that nationwide licenses would reduce the cost of auction participation and would minimize interference coordination requirements.

12. WebLink opposes this aspect of PCIA's petition, arguing that the Commission should license the remaining spectrum on an MTA basis. WebLink claims that MTA-based licensing is superior to nationwide and regional licensing because it can promote viable, competitive narrowband PCS businesses by serving the needs of a wide range of carriers. WebLink also claims that it and other carriers have relied on the future availability of licenses based on small, manageable geographic areas, and that granting the PCIA petition would thus cause great harm to such carriers. According to WebLink, on the issue of service areas, the PCIA band plan does not represent the consensus of the paging industry and ''merely represents the views of the larger paging companies and conglomerates that voted for the plan.'' WebLink argues that the current Commission proposal to implement an MTA-based licensing scheme will promote viable, competitive narrowband PCS businesses by serving the needs of both large and smaller carriers. WebLink also requests that, if the Commission decides to create additional regional or nationwide licenses, it do so by using a small portion of the one megahertz of reserve narrowband PCS spectrum, instead of revisiting its MTA licensing decision in the Narrowband PCS Second R&O/Second Further Notice.

13. Our primary concern in this proceeding is to establish a channel band plan that is likely to attract a wide variety of service providers to narrowband PCS spectrum so as to lead to the rapid provision of services to the public. In the Narrowband PCS Second R&O/Second Further Notice, the Commission noted that the record, at that time, contained little support for, and considerable opposition to, the establishment of additional nationwide licenses. Consequently, the Commission concluded that MTA-based service areas, coupled with the ability to aggregate licenses, would offer licensees substantial flexibility to provide wide-area local service as well as service on a larger scale. It is clear from the PCIA petition, the WebLink opposition, and the related comments filed by PCIA and others that now, at least some form of nationwide or regional licensing is desirable or, at least, tolerable to all parties, even apparently to WebLink. Although the Commission's initial rationale for replacing BTAs with the larger MTAs is still valid (i.e., that MTAs represent a basic geographic building block that can serve the needs of small and large carriers alike, especially coupled with the ability to aggregate licenses), we are persuaded by the comments of PCIA that some level of licensing is warranted that includes service areas larger than MTAs.

14. Further, we note the benefits to the public of nationwide licenses. Consumers of wireless services depend upon the portability of their services and many expect continuous coverage, regardless of where they travel across the country. Narrowband PCS providers currently face competition from nationwide, broadband wireless carriers who are providing seamless, nationwide service including short messaging. It appears possible that many narrowband PCS licensees will require similar geographic coverage and scope in order to be competitive in the wireless marketplace. The question presented to the Commission, therefore concerns the proper balance of nationwide, regional, and MTA licensing in the reserve and other remaining spectrum. PCIA and a majority of its members believe that more nationwide licenses are desirable. WebLink and possibly other smaller carriers believe more MTA licenses are necessary. We resolve this issue by determining what combination of national, regional, and MTA licenses will ensure the rapid provision of services to the public without compromising the goal of ensuring entry for small businesses.

3. Revised Band Plan

15. After careful consideration of all pleadings in this proceeding, we have developed a new channel band plan for the narrowband PCS reserve spectrum and the other remaining spectrum. The new channel band plan includes elements of the PCIA band plan, with its emphasis on nationwide licensing, and WebLink's proposed modification, with its emphasis on MTA licensing. We conclude that this revised plan strikes a proper balance between competing interests in a manner that will promote competition and stimulate development of new and innovative narrowband services. We will channelize the remaining narrowband PCS spectrum and will auction licenses as described in the table below and the chart in Appendix A–C. This 1.8625 megahertz of spectrum includes: the 1 megahertz of reserve spectrum, 712.5 kilohertz of previously channelized spectrum, 100 kilohertz from the cancellation of five regional licenses, and 50 kilohertz from the cancellation of a nationwide license.

Channel number	Channel description	Frequency bands	Total spectrum (kHz)
18	One 100 kHz unpaired channel	940.65–940.75 MHz	100
19–20	Two 50 kHz paired channels	901.3–901.35, 930.5–930.55 MHz 901.9–901.95, 930.75–930.8 MHz	200
21–22	Two 50 kHz/150 kHz paired channels	901.5–901.55, 930–930.15 MHz 901.6–901.65, 930.15–930.3 MHz	400
23–25	Three 50 kHz/100 kHz paired channels	901.45–901.5, 940.55–940.65 MHz 901.55–901.6, 940.3–940.4 MHz 901.85–901.9, 940.45–940.55 MHz	450
Nationwide Subtotal			1,150
MTA CHANNELS			
26–27	Two 50 kHz unpaired channels	901.35–901.4 MHz 901.4–901.45 MHz	100
28	One 50 kHz unpaired channel	940.4–940.45 MHz	50
29	One 50 kHz/50 kHz paired channel	901.95–902.0, 930.8–930.85 MHz	100
30	One 50 kHz/100 kHz paired channel	901.65–901.7, 930.3–930.4 MHz	150
31	One 50 kHz/150 kHz paired channel	901.7–901.75, 930.85–931 MHz	200
32	One 12.5 kHz/100 kHz paired channel	901.8375–901.85, 940.9–941 MHz	112.5
MTA Subtotal			712.5
Grand Total			1,862.5

16. We have decided not to create additional regional narrowband PCS licenses because of the demonstrated demand for nationwide and MTA licenses. PCIA's plan is composed of mostly nationwide licenses, and as we described above, WebLink has emphasized the importance of providing a sufficient amount of spectrum to be licensed on an MTA basis. Further, in reviewing the results of the first auction of narrowband PCS regional licenses, we find that four entities purchased groups of co-channel regional licenses, effectively creating four additional nationwide licenses. These aggregated licenses comprised two-thirds of the available regional licenses. In fact, only two of the thirty available regional licenses were purchased as single licenses. By licensing the remaining narrowband PCS spectrum on a nationwide and MTA basis, we respond to the industry's demonstrated demand for nationwide licenses and MTA licenses. Furthermore, we provide the flexibility for licensees to aggregate MTA licenses to create regional or national service areas with boundaries of their choosing, as dictated by market forces and consumer demand, rather than set by the Commission.

17. We find our new channel band plan strikes a balance for the narrowband PCS band as a whole (i.e., including channels we've already licensed). Through this approach we achieve parity between the spectrum in MTA licenses and the spectrum in regional licenses (i.e., approximately equal) and we create twice as many nationwide licenses. This should result in an approximate distribution of narrowband PCS spectrum of 66% nationwide, 17% regional, and 17% MTA. With respect to the number of licenses issued, the revised channel band plan will yield 18 nationwide (5%), 25 regional (6%), and 357 MTA (89%) licenses. We believe that the revised channel plan represents an appropriate compromise for all narrowband PCS carriers, large and small, and fairly balances their interests by offering a range of bidding opportunities that allow them to pursue local, regional, or nationwide strategies.

C. Eligibility Restrictions

18. In 1993, in order to provide an opportunity for incumbent paging licensees to upgrade their operations, the Commission set aside 100 kHz (8 unpaired 12.5 kHz frequencies) of the 3 MHz allocated for narrowband PCS to be used for paging response channels, i.e., channels used in paired communications with existing one-way paging frequencies to provide mobile-to-base station communications. The Commission's intent in establishing these channels was to provide a means for one-way (single frequency) paging licensees to obtain a second frequency for the purpose of delivering signals back from their customers' mobile devices. Prior to the Narrowband PCS Second R&O/Second Further Notice, the Commission's rules limited eligibility for acquiring narrowband PCS response channels to existing paging licensees, i.e., those licensed to operate conventional one-way paging base stations under Part 22 or Part 90.

19. In the Narrowband PCS Second R&O/Second Further Notice, the Commission lifted all eligibility restrictions on applying for paging response channels, finding that the rules unnecessarily excluded other potential users of the response channels. The Commission concluded that lifting the eligibility restrictions would encourage entry of new narrowband PCS providers by providing greater flexibility to new licensees to use the channels in conjunction with other spectrum to provide new services.

20. PSMI urges the Commission to reconsider its decision and reinstate the paging eligibility restriction for the eight 12.5 kHz paging response channels. PSMI argues that the Commission's action to eliminate the paging eligibility restriction is contrary to the public interest because: (1) elimination of the paging response channel set-aside creates an impermissible retroactive effect, (2) lifting the restriction exceeded the Commission's statutory authority, and (3) the public interest would be served by retention of the eligibility restriction.

21. We decline to reinstate the eligibility restrictions that originally applied to the paging response channels. The narrowband PCS industry has changed dramatically since the Commission set aside these channels for the exclusive use of the paging carriers. Other narrowband PCS entities and even broadband carriers have expressed interest in using the response channels

to provide new and innovative services for their own customers and for traditional paging customers as well. The Commission disagrees with PSMI's assertion that retaining the restriction represents a retroactive effect precluding paging carriers from ever using the response channels. There is no retroactive effect in the Commission eliminating the eligibility restrictions because it has not prevented PSMI or any such similarly situated carrier from acquiring the response channels to expand their one-way systems. Nor has the Commission affected the status of any pending application to use those response channels. The Commission is entitled to change its eligibility criteria in rulemaking proceedings as long as we provide an adequate explanation for the change. With regard to PSMI's statutory authority and public interest claims, we conclude the Commission acted well within its statutory authority when it lifted the restrictions because it did so to increase competition for the response channels, not to enrich the Federal treasury, as is alleged by PSMI. PSMI incorrectly concludes that the Commission's sole motivation to award licenses is to maximize revenue to the Federal treasury. On the contrary, the removal of the eligibility restrictions will increase competition for the response channels and thereby increase the likelihood that licenses for these channels will be awarded to those, including paging licensees, that value them most highly and consequently may provide service to the public most rapidly. Further, lifting the eligibility restrictions will encourage entry of new narrowband PCS providers by providing greater flexibility to licensees to use these channels, either on a stand-alone basis or in conjunction with other spectrum, to provide new services.

Final Regulatory Flexibility Analysis (Third Report and Order)

22. As required by the Regulatory Flexibility Act (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in Appendix D of the Narrowband PCS Second R&O/Second Further Notice in this proceeding.[2] The Commission sought written public comment on the proposals in the Second Further Notice, including comment on the IRFA. As described below, no commenter raised an issue concerning the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Third Report and Order conforms to the RFA.[3]

A. Need for and Purpose of This Action

23. This Third Report and Order amends the Commission's rules for narrowband PCS frequencies. The amendments adopted promote efficient licensing of narrowband PCS and enhance the service's competitive potential in the Commercial Mobile Radio Service marketplace. The Third Report and Order also channelizes the reserve narrowband PCS spectrum and re-channelizes the other remaining unauctioned spectrum, thus offering more spectrum to incumbent and new market entrants so that they may provide new and innovative services.

B. Summary of Significance of Issues Raised by Public Comments in Response to the IRFA

24. No party filed comments responding to the IRFA.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

25. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions, or entities. 5 U.S.C. 601(6). The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(3). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[4] Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the SBA, and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

26. The rules adopted in the Third Report and Order will affect small businesses that hold or seek to acquire narrowband Personal Communications Services (PCS) licenses. These entities include small businesses that obtain nationwide, regional or Major Trading Areas (MTA) geographic area licenses through auction, assignment, or transfer and small businesses that acquire partitioned and/or disaggregated MTA, regional, or nationwide geographic area licenses.

27. In the future, the Commission will auction 1.8625 megahertz of spectrum which includes the 1 megahertz of reserve spectrum, 712.5 kilohertz of previously channelized (but unauctioned) spectrum, 100 kilohertz from the cancellation of five regional licenses, and 50 kilohertz from the cancellation of a nationwide license.

28. The new channel band plan strikes a balance for the narrowband PCS band as a whole (i.e., including channels the Commission has already auctioned). Through this approach the Commission will achieve parity between the spectrum in MTA licenses and the spectrum in regional licenses (i.e., approximately equal) and will create twice as many nationwide licenses. This should result in an approximate distribution of narrowband PCS spectrum of 66% nationwide, 17% regional, and 17% MTA. With respect to the number of licenses issued, the revised channel band plan will yield 18 nationwide (5%), 25 regional (6%), and 357 MTA (89%) licenses.

29. To ensure meaningful participation of small business entities in the auctions, the Commission adopted a two-tiered definition of small businesses in the Narrowband PCS Second R&O/Second Further Notice.[5] A small business is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than $40 million. A very small business is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of

[1] 5 U.S.C. 603. Congress amended the RFA, *id.* § 601 *et seq.*, by the Contract with America Advancement Act of 1996, Pub. L. No. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996.

[2] Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS, GEN Docket No. 90–314, ET Docket No. 92–100, Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Narrowband PCS, PP Docket No. 93–253, Second Report and Order and Second Further Notice of Proposed Rulemaking, 15 FCC Rcd 10456 (2000) (Narrowband PCS Second R&O/Second Further Notice).

[3] See 5 U.S.C. 604.

[4] 5 U.S.C. 632.

[5] Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS, GEN Docket No. 90–314, ET Docket No. 92–100, Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Narrowband PCS, PP Docket No. 93–253, Second Report and Order and Second Further Notice of Proposed Rulemaking, 15 FCC Rcd 10456 (2000) (Narrowband PCS Second R&O/Second Further Notice).

not more than $15 million. The SBA has approved these definitions.

30. The Commission cannot predict accurately the number of licenses that will be awarded to small entities in future auctions. However, 4 of the 16 winning bidders in the two previous narrowband PCS auctions were small businesses, as that term was defined under the Commission's rules. The Commission assumes, for purposes of the evaluations and conclusions in this FRFA that a large portion of the remaining narrowband PCS licenses will be awarded to small entities. The Commission also assumes that at least some small businesses will acquire narrowband PCS licenses by means of the Commission's partitioning and disaggregation rules.

D. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements

31. The rules adopted in the Third Report and Order impose no additional reporting and recordkeeping requirements on large or small businesses.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

32. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[6]

33. The rules adopted in this Third Report and Order are designed to implement Congress' goal of giving small businesses, as well as other entities, the opportunity to participate in the provision of spectrum-based services. The rules are also consistent with the Communications Act's mandate to identify and eliminate market entry barriers for entrepreneurs and small businesses in the provision and ownership of telecommunications services. See generally 47 U.S.C. 257, 309(j).

34. The Commission finds that establishing a reasonable balance of MTA and nationwide licensing will serve the needs of a wide range of entities, including both large and small service providers. The commenting parties support this conclusion. The Commission finds that consumers of wireless services depend upon the portability of their services and expect continuous coverage, regardless of where they travel across the country. Narrowband PCS providers currently compete with nationwide, broadband wireless carriers who are providing seamless, nationwide service. The Commission concludes that all narrowband PCS licensees, especially small entities, must have similar geographic coverage and scope in order to be competitive in the wireless marketplace.

35. The Commission considered and adopted a compromise proposal between PCIA and WebLink. PCIA and a majority of its members believe that more nationwide licenses are desirable. WebLink and possibly other smaller carriers believe more MTA licenses are necessary. The question presented to the Commission, therefore concerns the proper balance of nationwide, regional, and MTA licensing in the reserve and remaining unauctioned spectrum. The Commission resolves the issue by determining a proper combination of national, regional, and MTA licenses overall that will ensure the rapid provision of services to the public without compromising the goal of ensuring entry for small businesses.

F. Report to Congress

The Commission will send a copy of this Third Report and Order and Order on Reconsideration, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this Third Report and Order and Order on Reconsideration, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Third Report and Order and Order on Reconsideration and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

[6] 5 U.S.C. 603.

III. Conclusion

36. The action we take today resolves the remaining issues in preparation for a narrowband PCS spectrum auction. We believe that the new channel band plan we adopt today represents a proper balance of the interests and concerns of industry, both large and small carriers, and will provide the public with the greatest variety of service choices at competitive rates.

IV. Procedural Matters

37. A Final Regulatory Flexibility Analysis, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained in Paragraph 22.

V. Ordering Clauses

38. Authority for issuance of this Third Report and Order and Order on Reconsideration is contained in sections 4(i), 257, 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 257, 303(r), and 309(j).

39. Part 24 of the Commission's Rules IS AMENDED as specified in Rule Changes effective August 3, 2001.

40. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Third Report and Order and Order on Reconsideration, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 24

Administrative practice and procedure, Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

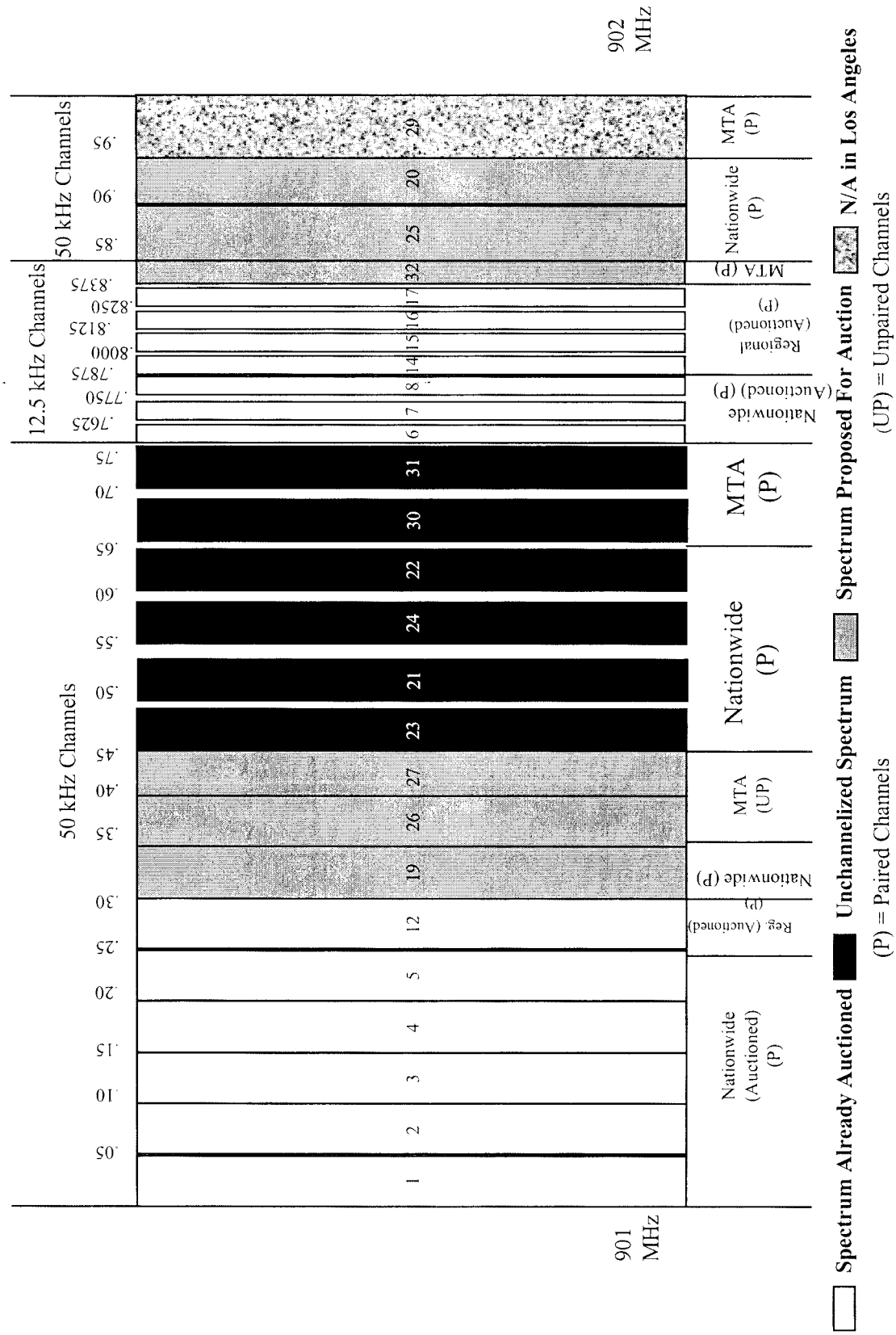
Appendixes to Preamble

Note: The following Appendixes A, B, and C will not appear in the Code of Federal Regulations.

BILLING CODE 6712–01–U

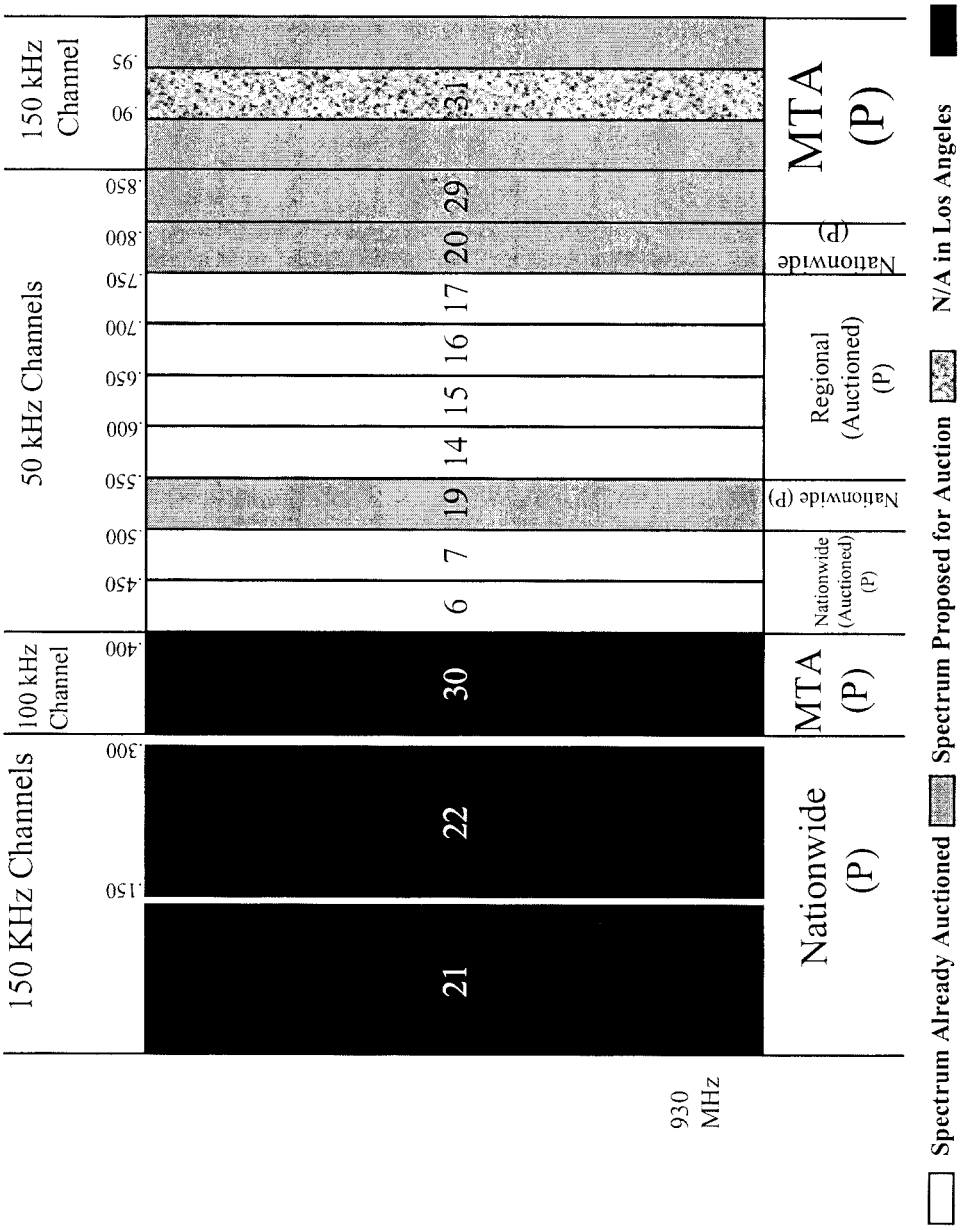
APPENDIX A

NARROWBAND PCS CHANNELS IN THE 901-902 MHZ BAND



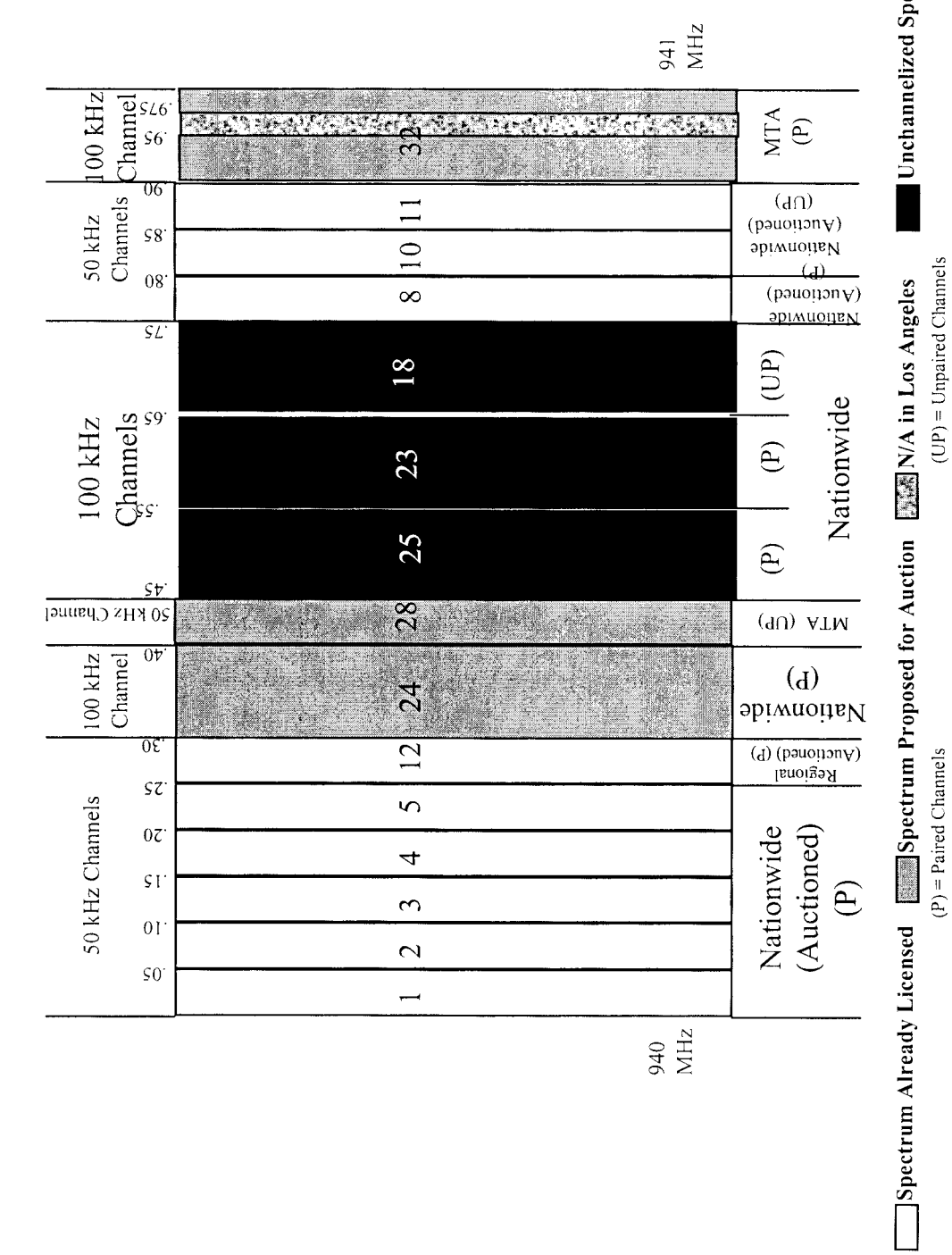
APPENDIX B

NARROWBAND PCS CHANNELS IN THE 930-931 MHZ BAND



APPENDIX C

NARROWBAND PCS CHANNELS IN THE 940-941 MHZ BAND



BILLING CODE 6712–01–C

Rule Changes

For the reasons discussed in the preamble, the Federal Communication Commisssion amends 47 CFR Part 24 as follows:

PART 24—PERSONAL COMMUNICATIONS SERVICES

1. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

2. Section 24.129 is revised to read as follows:

§ 24.129 Frequencies.

The following frequencies are available for narrowband PCS:

(a) Eighteen frequencies are available for assignment on a nationwide basis as follows:

(1) Seven 50 kHz channels paired with 50 kHz channels:

Channel 1: 940.00–940.05 and 901.00–901.05 MHz;
Channel 2: 940.05–940.10 and 901.05–901.10 MHz;
Channel 3: 940.10–940.15 and 901.10–901.15 MHz;
Channel 4: 940.15–940.20 and 901.15–901.20 MHz;
Channel 5: 940.20–940.25 and 901.20–901.25 MHz;
Channel 19: 930.50–930.55 and 901.30–901.35 MHz; and
Channel 20: 930.75–930.80 and 901.90–901.95 MHz.

(2) Three 50 kHz channels paired with 12.5 kHz channels:

Channel 6: 930.40–930.45 and 901.7500–901.7625 MHz;
Channel 7: 930.45–930.50 and 901.7625–901.7750 MHz; and
Channel 8: 940.75–940.80 and 901.7750–901.7875 MHz;

(3) Two 50 kHz unpaired channels:

Channel 9: RESERVED;
Channel 10: 940.80–940.85 MHz; and
Channel 11: 940.85–940.90 MHz.

(4) One 100 kHz unpaired channel:

Channel 18: 940.65–940.75 MHz.

(5) Two 150 kHz channels paired with 50 kHz channels:

Channel 21: 930.00–930.15 and 901.50–901.55 MHz; and
Channel 22: 930.15–930.30 and 901.60–901.65 MHz.

(6) Three 100 kHz channels paired with 50 kHz channels:

Channel 23: 940.55–940.65 and 901.45–901.50 MHz;
Channel 24: 940.30–940.40 and 901.55–901.60 MHz; and
Channel 25: 940.45–940.55 and 901.85–901.90 MHz.

(b) Five frequencies are available for assignment on a regional basis as follows:

(1) One 50 kHz channel paired with 50 kHz channel:

Channel 12: 940.25–940.30 and 901.25–901.30 MHz.
Channel 13: RESERVED.

(2) Four 50 kHz channels paired with 12.5 kHz channels:

Channel 14: 930.55–930.60 and 901.7875–901.8000 MHz;
Channel 15: 930.60–930.65 and 901.8000–901.8125 MHz;
Channel 16: 930.65–930.70 and 901.8125–901.8250 MHz; and
Channel 17: 930.70–930.75 and 901.8250–901.8375 MHz.

(c) Seven frequencies are available for assignment on an MTA basis as follows:

(1) Three 50 kHz unpaired channels:

Channel 26: 901.35–901.40 MHz;
Channel 27: 901.40–901.45 MHz; and
Channel 28: 940.40–940.45 MHz.

(2) One 50 kHz channel paired with 50 kHz channel:

Channel 29: 930.80–930.85 and 901.95–902.00 MHz.

(3) One 100 kHz channel paired with 50 kHz channel:

Channel 30: 930.30–930.40 and 901.65–901.70 MHz.

(4) One 150 kHz channel paired with 50 kHz channel:

Channel 31: 930.85–931.00 and 901.7–901.75 MHz.

(5) One 100 kHz channel paired with 12.5 kHz channel:

Channel 32: 940.90–941 and 901.8375–901.85 MHz.

Note to § 24.129: Operations in markets or portions of markets which border other countries, such as Canada and Mexico, will be subject to on-going coordination arrangements with neighboring countries.

§ 24.130 [Removed and Reserved]

3. Section 24.130 is removed and reserved.

[FR Doc. 01–13618 Filed 6–1–01; 8:45 am]
BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 66, No. 107
Monday, June 4, 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

9 CFR Part 93

[Docket 99–071–2]

Cattle from Australia and New Zealand; Testing Exemption; Notice of Public Hearing

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: We are advising the public that we are hosting a public hearing on our proposal to exempt cattle imported from Australia from testing for brucellosis and tuberculosis and to exempt cattle imported from New Zealand from testing for brucellosis. The purpose of the public hearing is to give persons an opportunity for the oral presentation of data, views, and arguments regarding the proposed rule.

DATES: We invite you to comment on Docket No. 99–071–1. We will consider all comments that we receive by June 19, 2001. We will also consider comments made at the public hearing that will be held in Riverdale, MD, on June 19, 2001. The hearing will be held from 8:30 a.m. to noon.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 99–071–1, 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. 99–071–1.

You may read any comments that we receive on Docket No. 99–071–1 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.

The public hearing will be held on Tuesday, June 19, 2001, in Conference Rooms C and D, USDA Center, 4700 River Road, Riverdale, MD.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea Morgan, Associate Director, Animal Health Programs, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 20737–1231; (301) 734–8093.

SUPPLEMENTARY INFORMATION:

On April 20, 2001, we published in the **Federal Register** (66 FR 20211–20213, Docket No. 99–071–1) a proposed rule to amend the animal importation regulations to exempt cattle from Australia from testing for brucellosis and tuberculosis prior to their export to the United States and to exempt cattle from New Zealand from testing for brucellosis prior to their export to the United States. The comment period for the proposed rule ends June 19, 2001.

In response to a request that we provide interested persons with an opportunity for the oral presentation of data, views, and arguments, we have scheduled a public hearing. The hearing will be held on Tuesday, June 19, 2001, in Conference Rooms C and D, USDA Center, 4700 River Road, Riverdale, MD.

A representative of the Animal and Plant Health Inspection Service (APHIS) will preside at the public hearing. Any interested person may appear and be heard in person, by attorney, or by other representative. If you wish to speak at the meeting, please register at the meeting room between 8:00 a.m. and 8:30 a.m., before the meeting officially begins. The presiding officer will call speakers in the order in which they registered.

The public hearing will begin at 8:30 a.m. and is scheduled to end at noon. However, the hearing may be terminated at any time after it begins if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing.

If the number of speakers at the hearing warrants it, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

The purpose of the hearing is to give interested persons an opportunity for the oral presentation of data, views, and arguments. Questions about the content of the proposed rule may be part of the commenters' oral presentations. However, neither the presiding officer nor any other representative of APHIS will respond to comments at the hearing, except to clarify or explain provisions of the proposed rule.

If you require special accommodations, such as a sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Parking and Security Procedures

Please note that a fee of $2 is required to enter the parking lot at the USDA Center. The machine accepts $1 bills or quarters.

Upon entering the building, visitors should inform security personnel that they are attending the public hearing regarding testing requirements for cattle imported from Australia and New Zealand. Identification is required. Security personnel will direct visitors to the registration tables located outside of Conference Rooms C and D. Registration upon arrival is necessary for all participants. Visitor badges must be worn throughout the day.

Done in Washington, DC, this 29th day of May 2001 .

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–13912 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 232–2001]

Privacy Act of 1974; Implementation

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to exempt two Privacy Act systems of records from the following subsections of the Privacy Act: These systems of records are the ''Correspondence Management Systems (CMS) for the Department of Justice (DOJ), DOJ/003''; and ''Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals for the Department of Justice (DOJ),

DOJ/004,'' as described in today's notice section of the **Federal Register**. The exemptions are necessary to protect law enforcement and investigatory information and functions as described in the proposed rule, and will be applied only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

DATES: Submit any comments by July 5, 2001.

ADDRESSES: Address all comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

FOR FURTHER INFORMATION CONTACT: Mary Cahill, (202) 307–1823.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, this order will not have a significant economic impact on a substantial number of small entities.

List of Subjects in Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in Sunshine Act.

Dated: May 15, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, it is proposed to amend 28 CFR part 16 as follows:

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. Add to Subpart E § 16.130 to read as follows:

§ 16.130 Exemption of Department of Justice Systems: Correspondence Management Systems for the Department of Justice (DOJ–003); Freedom of Information Act, Privacy Act and Mandatory Declassification Review Requests and Administrative Appeals for the Department of Justice (DOJ–004).

(a) The following Department of Justice systems of records are exempted from subsections (c)(3) and (4); (d)(1), (2), (3) and (4); (e)(1), (2), (3), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). These exemptions apply only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

(1) Correspondence Management Systems (CMS) for the Department of Justice (DOJ), DOJ/003.

(2) Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals for the Department of Justice (DOJ), DOJ/004.

(b) These systems are exempted for the reasons set forth from the following subsections:

(1) *Subsection (c)(3).* To provide the subject of a criminal, civil, or counterintelligence matter or case under investigation with an accounting of disclosures of records concerning him or her could inform that individual of the existence, nature, or scope of that investigation, and thereby seriously impede law enforcement or counterintelligence efforts by permitting the record subject and other persons to whom he might disclose the records to avoid criminal penalties, civil remedies, or counterintelligence measures.

(2) *Subsection (c)(4).* This subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) *Subsection (d)(1).* Disclosure of investigatory information could interfere with the investigation, reveal the identity of confidential sources, and result in an unwarranted invasion of the privacy of others. Disclosure of classified national security information would cause damage to the national security of the United States.

(4) *Subsection (d)(2).* Amendment of the records would interfere with ongoing criminal or civil law enforcement proceedings and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(5) *Subsections (d)(3) and (4).* These subsections are inapplicable to the extent exemption is claimed from (d)(1) and (2).

(6) *Subsection (e)(1).* It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete, but, in the interests of effective law enforcement and counterintelligence, it is necessary to retain this information to aid in establishing patterns of activity and provide investigative leads.

(7) *Subsection (e)(2).* To collect information from the subject individual could serve notice that he or she is the subject of a criminal investigation and thereby present a serious impediment to such investigations.

(8) *Subsection (e)(3).* To inform individuals as required by this subsection could reveal the existence of a criminal investigation and compromise investigative efforts.

(9) *Subsection (e)(5).* It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete, but, in the interests of effective law enforcement, it is necessary to retain this information to aid in establishing patterns of activity and provide investigative leads.

(10) *Subsection (e)(8).* To serve notice could give persons sufficient warning to evade investigative efforts.

(11) *Subsection (g).* This subsection is inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act.

[FR Doc. 01–13862 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–FB–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 052301A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Multispecies Fishery Management Plan (Multispecies FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow up to seven vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. EFPs would allow for exemptions to gear restrictions and to the Day-at-Sea (DAS)

requirements of the Northeast Multispecies Fishery Management Plan (Multispecies FMP). The experiment proposes to compare two experimental trawl net configurations (diamond and square codend mesh sizes, finfish excluder devise (grate bar spacings) and raised footrope trawl)) to selectively fish for silver hake or whiting (*Merluccius bilinearis*), while maintaining low levels of regulated multispecies bycatch.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this document must be received on or before June 19, 2001.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile (fax) to (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Management Specialist, 978–281–9244.

SUPPLEMENTARY INFORMATION: The Maine Division of Marine Resources (MEDMR) submitted an application for EFPs on April 9, 2001, with final revisions received on May 9, 2001. The EFPs would facilitate the collection of data on experimental gear performance for use in addressing whiting conservation issues (juvenile whiting bycatch) and reductions in regulated multispecies bycatch in the Gulf of Maine whiting fishery (Maine whiting fishery). The study also intends to present the findings of the data from the experiment to the New England Fishery Management Council (NEFMC) for its consideration when evaluating year four default measures and long-term management options for the whiting resource.

The experiment would occur within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area (GOM/GB RMA), well within the Northern Shrimp Small Mesh Exemption Area; specifically, the three 10-minute squares north of 43°30′ latitude and between 69° W. longitude and 70°30′ W. longitude. The experimental fishing area would exclude any seasonal or year-round closures overlapping it in time or area and would operate for three months, beginning in early July through the end of September 2001. Field testing of the proposed gear modification through the initial gear trials would take place for approximately a month beginning in July 2001, while the commercial gear trials would begin in August 2001 and extend through September 2001, to allow for weather contingencies and to capture seasonal variability in target species distribution and abundance.

The experiment intends to build on previous gear studies (i.e, a gear testing component of the traditional Separator Trawl Whiting Experimental Fishery) that were conducted to test and assess gear selectivity factors designed to address bycatch issues in the Maine whiting fishery. The main purpose of the three-phase study is as follows: (1) To obtain better video footage of the gear and its interactions with fish and habitat (singular and combined effects); (2) to test 2-1/2-inch (6.35-cm) diamond cod end mesh and 2-1/4-inch (5.72-cm) square cod end mesh with 2-inch (50-mm) grate bar spacings in combination with 42-inch (106.68-cm) dropper chains on a raised footrope trawl net configuration, against control nets of 1-3/4-inch (4.45-cm) codend mesh and 1.6-inch (40-mm) grate bar spacing; and (3) sea trials of the most efficient gear combinations under commercial fishing conditions with members of industry providing feedback on gear performance (the focus being to develop the industry's acceptance of the gear for general use in the whiting fishery).

Two vessels would participate in the initial gear testing phase that proposes to test the two experimental gear combinations against a control trawl net; while one combination may fish more effectively for flatfish, the other may exclude smaller silver hake. The remaining five vessels would participate in the final phase of the experiment to ensure that the gear combinations perform the same under commercial conditions, as when tested against the control trawl net. The sea trial phase would also provide opportunities for commercial fishers to gain familiarity with the chosen gear's selective properties under normal fishing operations. A component of the experiment will video record the gear performance under tow including gear interactions with fish and habitat.

The entire field work will require 260 total hours of towing; initial gear trials would entail 60 total hours trawling activity (10 days paired towing with 6-half hour tows per day for each of two vessels), followed by 200 total hours of towing during the commercial sea trials phase (4 days each for 5 vessels towing an average of 10 hours per day). Projected whiting landings from MEDMR sea sampling data during July and August 1999, are estimated at upper catch rates of between 15,800 lb and 26,400 lb of whiting per trip (based upon an average catch per unit effort of between 790 lb and 1,320 lb per trip). Lower catch rates are estimated at 42 lb/trip or 860 lb total catch for the 20 total commercial gear trial trips. These catch levels are well within the possession/landing limits for vessels using small mesh within the GOM/GB RMA. Thus, the experimental gear trials are expected to have very little incremental impact on the whiting resource.

Participants may retain whiting and Atlantic herring (*Clupea harengus*) for commercial sale up to the applicable landing limits during the initial testing phase, while whiting, and to a lesser extent, red hake (*Urophycis chuss*) and Atlantic herring will be the target species during the commercial sea trial phase. MEDMR sea sampling data from the September 1999 directed whiting fishery indicate that the incidental catch species (red hake and herring included) comprise approximately 36% of the total whiting catch (0.36 lb per pound of whiting).

Historically, the Maine whiting fishery, through its use of the separator trawl (the control gear in this experiment), has experienced low levels of regulated species bycatch. However, one of the objectives of the experiment is to demonstrate that the proposed gear combinations of separator grate, mesh size and raised footrope trawl configuration can selectively fish for whiting, while avoiding impacts on regulated finfish species. The applicant notes that the proportion of bycatch to the total catch (percent bycatch) may exceed acceptable levels when target species catch rates are low. Nonetheless, the applicant expects that the average bycatch levels will not exceed acceptable thresholds.

Each commercial trial trip will have a MEDMR sea sampler on board and the catch will be measured according to NMFS sea sampling methodology and recorded on NMFS logbooks. Any sub-legal sized fish would be processed by the sea samplers (e.g., measured) and returned immediately to the water.

The applicant plans to conduct public outreach meetings to present the gear research findings to the remainder of the fleet that did not participate in the experimental fishery. It is intended that the results of this gear work will be the basis for a request to the NEFMC for a Maine whiting fishery within an appropriate area and under certain gear restrictions.

EFPs would exempt up to seven vessels from the DAS requirements and gear restrictions of the Multispecies FMP found at 50 CFR part 648, subpart F.

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

Dated: May 29, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–13971 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 052101C]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shallow Water Reeffish Fishery of Puerto Rico and the U.S. Virgin Islands; Essential Fish Habitat Generic Amendment to the Fishery Management Plans of the U.S. Caribbean; Public Hearings and Scoping Meetings

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

ACTION: Notice of public hearings and scoping meetings; request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold scoping meetings to obtain input from fishers, the general public, and government agencies prior to developing a Supplemental Environmental Impact Statement (SEIS) for the Essential Fish Habitat (EFH) Generic Amendment to the Fishery Management Plans of the U.S. Caribbean (EFH Generic Amendment). The Council is also holding public hearings on Amendment 3 to the Fishery Management Plan for the Shallow Water Reeffish Fishery of Puerto Rico and the U.S. Virgin Islands (Amendment 3).

DATES: Written comments will be accepted until June 27, 2001. Hearings and meetings will be held during June. For specific dates and times of the hearings and scoping meetings see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Written comments should be sent to the Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577; telephone: 787-766-5926. Copies of the Scoping Document for developing the SEIS for the EFH Generic Amendment can be obtained from the Council at the same address. Hearings and meetings will be held in the United States Virgin Islands and Puerto Rico. See **SUPPLEMENTARY INFORMATION** for specific hearing and meeting locations.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577; telephone: 787–766–5926.

SUPPLEMENTARY INFORMATION: The Council published a notice of intent to prepare an SEIS for the EFH Generic Amendment (66 FR 15404, March 19, 2001) that provides further detail not repeated here. The Council will hold scoping meetings to obtain input from fishers, the general public, and Government agencies prior to developing the SEIS for the EFH Generic Amendment. The Council is seeking public input on alternatives for the designation of EFH and Habitat Areas of Particular Concern (HAPCs) for the fisheries and fishery resources under the Council's jurisdiction, and on alternatives for minimizing, to the extent practicable, the adverse effects of fishing on EFH. The Council is also seeking public input on the environmental impacts associated with such alternative EFH and HAPC designations and with measures needed to mitigate impacts related to both fishing and non-fishing activities. Alternatives that would be considered in the SEIS include, at a minimum, no action, the preferred alternative identified in the EFH Generic Amendment, and multiple alternatives to the description and identification of EFH and HAPCs for the managed fisheries.

The Council will also be convening public hearings on the proposed measures included in Amendment 3. These measures include modifying the requirement for trap panels, establishing fishing gear permits, prohibiting the use of traps in the U.S. Caribbean Exclusive Economic Zone (EEZ), and prohibiting the use of nets in the U.S. Caribbean EEZ.

Dates, Times, and Locations for the Public Hearings and Scoping Meetings

The Council will be holding the EFH Generic Amendment scoping meetings and the Amendment 3 public hearings at the same location, with the EFH Generic Amendment scoping meeting commencing first, followed by the Amendment 3 public hearing at the following locations, times, and dates:

1. June 12, 2001, EFH Generic Amendment scoping meetings from 7 p.m. to 7:30 p.m., Amendment 3 Public Hearings from 7:31 p.m. to 10 p.m., Legislature Building, Hilltop Building, Cruz Bay, St. John, USVI;

2. June 13, 2001, EFH Generic Amendment scoping meetings from 2 p.m. to 5 p.m., Amendment 3 public hearings from 7 p.m. to 10 p.m., Windward Passage Holiday Inn, Veterans Drive, Charlotte Amalie, St. Thomas, USVI;

3. June 14, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., Hotel on the Cay, Christiansted, St. Croix, USVI;

4. June 18, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., ''Colegio de Ingenieros,'' Antolin Nin corner with Ricardo Skerret St., Urb. Roosevelt, Hato Rey, PR;

5. June 19, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., Hotel Villa Real, Rd. 2, Km. 67.2, Santana Ward, Arecibo, PR;

6. June 20, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., Mayaguez Holiday Inn Hotel, 2701, Rd. 2, Mayaguez, PR;

7. June 21, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., Ponce Holiday Inn Hotel, 3315 Ponce By Pass, Ponce, PR;

8. June 25, 2001, EFH Generic Amendment scoping meeting from 7 p.m. to 7:30 p.m., Amendment 3 public hearing from 7:31 p.m. to 10 p.m., ''Centro de Usos Múltiples,'' Culebra, PR;

9. June 26, 2001, EFH Generic Amendment scoping meeting from 7 p.m. to 7:30 p.m., Amendment 3 public hearing from 7:31 p.m. to 10 p.m., ''El Faro'', Vieques, PR; and

10. June 27, 2001, EFH Generic Amendment scoping meeting from 2 p.m. to 5 p.m., Amendment 3 public hearing from 7 p.m. to 10 p.m., ''Parador La Familia'', Rd. 987, Km. 4.1, Fajardo, PR.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 29, 2001.

Bruce Morehead,

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

[FR Doc. 01–13972 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 107
Monday, June 4, 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

Agricultural Research Service

United States National Arboretum (USNA); Notice of Intent To Renew an Expired Information Collection

AGENCY: Agricultural Research Service; Research, Education, and Economics; USDA.

ACTION: Notice and request for comment.

SUMMARY: The Department of Agriculture (USDA) seeks comments on the intent of the USNA to renew an expired information collection. The information collection serves as a means to collect fees to be charged for certain uses of the facilities, grounds, and services. This includes fees for the grounds and facilities, as well as for commercial photography and cinematography. Fees generated will be used to defray USNA expenses or to promote the mission of the USNA.

DATES: Comments must be submitted on or before August 8, 2001.

ADDRESSES: Address all correspondence to Thomas S. Elias, Director, U.S. National Arboretum, Beltsville Area, Agricultural Research Service, 3501 New York Avenue, NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Director, National Arboretum, Beltsville Area, ARS, 3501 New York Avenue, NE., Washington, D.C. 20002; (202) 245–4539.

SUPPLEMENTARY INFORMATION: *Title:* Intent to Renew an Expired Information Collection

OMB Number: 0518–0024.

Expiration Date of Approval: October 31, 2000.

Type of Request: To extend an approved information collection.

Abstract: The mission of the U.S. National Arboretum (USNA) is to conduct research, provide education, and conserve and display trees, shrubs, flowers, and other plants to enhance the environment. The USNA is a 446 acre public facility, open to the general public for purposes of education and passive recreation. Horticulture and gardening are very important aspects of American life. The USNA receives approximately 500,000 visitors each year. Garden clubs and societies like to use the USNA grounds to showcase their activities. The USNA has many spectacular features and garden displays which are very popular with the visitors. In order to administer the use of the USNA facilities and to determine if the requested use is consistent with the mission of the USNA, it is necessary for the USNA to obtain information from the requestor. The requestor is asked to indicate by whom and for what purpose the USNA facilities are to be used. This information is collected by official using applications in the form of questionnaires. Applications are in hard copy format received in person, by mail, and by facsimile. Work is underway to provide permits, and information at the USNA website (www-usna.usda.gov). Completed permit requests can be E-mailed, faxed, or delivered to the USNA.

Paperwork Reduction Act: In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and record keeping requirements that will be imposed will be submitted to OMB for approval. These requirements will not become effective prior to OMB approval.

Background: Section 890(b) of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127 (1996 Act), expanded the authorities of the Secretary of Agriculture to charge reasonable fees for the use of USNA facilities and grounds. These authorities included the ability to charge fees for temporary use by individuals or groups of USNA facilities and grounds in furtherance of the mission of the USNA. Also, authority was provided to charge fees for the use of the USNA for commercial photography and cinematography. All rules and regulations noted in 7 CFR 500, subpart A, Conduct on the USNA property, will apply to individuals or groups granted approval to use the facilities and grounds.

Estimate of Burden: The USNA estimates 200 requests for the use of the facilities and 20 for photography and cinematography. Each request will require the completion of an application. The application is simple and requires only information readily available to the requestor. A copy of the application can be obtained from the USNA.

Estimated Total Annual Burden on Respondents: The estimated completion time for the application is 15 minutes for a total of 53 hours.

The photography application requires less than 10 minutes. The total cost for responding is $837 for 53 hours of time at $15.80 per hours. In addition to the current process of obtaining the permit requests in person, by mail, and by facsimile, (and receiving them back in like manner), the application for photography and cinematography is available on its website *(www.usna.usda.gov/information/photography.html)*. The application for the use of facilities will be available on the website by the end of the calendar year. Completed permit requests can then be e-mailed to the Administrative Officer, National Arboretum, ARS, 3501 New York Avenue, NE, Washington, D.C. 20002.

Comments: Comments are invited on whether the proposed collection is necessary for the proper functioning of the facility, including whether the information will have practical ability; whether the estimate of the burden of the proposed collection is accurate; how to enhance the quality, utility and clarity of the information to be collected; and whether the burden of collection could be minimized.

Edward B. Knipling,

Associate Administrator, Agricultural Research Service.

[FR Doc. 01–13870 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–03–U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request Form FNS–798 and FNS–798A, WIC Financial Management and Participation Report With Addendum

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's (FNS) intention to request approval for revision of a currently approved collection, Form FNS–798 and FNS–798A, WIC Financial Management and Participation Report with Addendum.

DATES: Comments on this notice must be received by August 4, 2001.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Patricia N. Daniels, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for OMB approval, and will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection form and instructions should be directed to: Patricia N. Daniels, (703) 305–2749.

SUPPLEMENTARY INFORMATION:

Title: WIC Financial Management and Participation Report with Addendum.

OMB Number: 0584–0045.

Expiration Date: 05–31–2003.

Type of Request: Revision of a Currently Approved Collection.

Abstract: FNS proposes to add one data element, migrant participation, to Form FNS–798. WIC State agencies will report the number of migrants served during the previous 12 months on their July FNS–798 report submitted at the end of August. Through August 2000, State agencies reported migrant participation along with participation by nutritional risk priority on Form FNS–654, WIC Annual Participation Report. Form FNS–654 has since been allowed to expire, as the WIC funding formulas no longer utilize priority data. This allows WIC State agencies to report participation by priority data to FNS less frequently. WIC State agencies will continue to report participant priority data to FNS on the biennial WIC Participant Characteristics (PC) Report. Expiration of the Form FNS–654 reduces the reporting burden with respect to participant priority data.

FNS must continue to collect migrant data annually to comply with section 17(g)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(4)), which provides that ''[o]f the sums appropriated for any fiscal year for programs authorized under this section, not less than nine-tenths of 1 percent shall be available first for services to eligible members of migrant populations.'' The addition of migrant participation as a data element on Form FNS–798, if approved, will result in no change in the reporting burden from that of previous years. Migrant data collection, formerly obtained on the Form FNS–654, will simply be consolidated with other current reporting requirements for ease of reporting.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.115 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total annual burden on respondents was previously estimated at 4637.6 hours. The revision adds one data element which increases the total annual burden by 22.44 hours.

Respondents: Directors or Administrators of WIC State agencies.

Estimated Number of Respondents: 88 respondents.

Estimated Number of Responses per Respondent: Seventeen.

Estimated Total Annual Burden on Respondents: 4660.04 hours.

Dated: May 23, 2001.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 01–13871 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Annual Report of State Revenue Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. The proposed collection is an extension of a collection currently approved for the National School Lunch Program.

DATES: Comments on this notice must be received by August 3, 2001.

ADDRESSES: Send comments and requests for copies of this information collection to Alan Rich, Data Base Monitoring Branch, Budget Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Alan Rich, (703) 305–2113.

SUPPLEMENTARY INFORMATION: *Title:* Annual Report of State Revenue Matching.

OMB Number: 0584–0075.

Expiration Date: August 31, 2001.

Type of Request: Extension of a currently approved collection.

Abstract: The National School Lunch Program is mandated by the National School Lunch Act, 42 U.S.C. 1751, *et seq.*, and the Child Nutrition Act of 1966, 42 U.S.C. 1771, *et seq.* Program implementing regulations are contained in 7 CFR Part 210. In accordance with 7 CFR 210.17(g), State agencies must submit an annual report of state revenue matching in order to receive Federal reimbursement for meals served to eligible participants.

Respondents: State agencies that administer the National School Lunch Program.

Number of Respondents: 54.

Estimated Number of Responses per Respondent: The number of responses is estimated to be one submission per State agency per school year.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 80 hours per respondent per submission.

Estimated Total Annual Burden on Respondents: 4,320 hours.

Dated: May 7, 2001.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 01–13925 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notice of Appealable Decisions for the Northern Region; Idaho, Montana, North Dakota, and Portions of South Dakota and Eastern Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Northern Region to publish legal notice of all decisions subject to appeal under 36 CFR 215 and 217 and to publish notices for public comment and notice of decision subject to the provisions of 36 CFR 215. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after June 1, 2001. The list of newspapers will remain in effect until another notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Interregional NEPA, Appeals and Litigation Leader; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329–3647.

The newspapers to be used are as follows:

Northern Regional Office

Regional Forester decisions in Montana: The Missoulian, Great Falls Tribune, and The Billings Gazette.

Regional Forester decisions in Northern Idaho and Eastern Washington: The Spokesman Review.

Regional Forester decisions in North Dakota: Bismarck Tribune.

Regional Forester decisions in South Dakota; Rapid City Journal.

Beaverhead/Deerlodge—Montana Standard
Bitterroot—Ravalli Republic
Clearwater—Lewiston Morning Tribune
Custer—Billings Gazette (Montana); Rapid City Journal (South Dakota)
Dakota Prairie National Grasslands—Bismarck Tribune (North Dakota; Rapid City Journal (South Dakota)
Flathead—Daily Interlake
Gallatin—Bozeman Chronicle
Helena—Independent Record
Idaho Panhandle—Spokesman Review
Kootenai—Daily Interlake
Lewis & Clark—Great Falls Tribune
Lolo—Missoulian
Nez Perce—Lewiston Morning Tribune

Supplemental notices may be placed in any newspaper, but time frames/deadlines will be calculated based upon notices in newspapers of record listed above.

Dated: May 25, 2001.

Kathleen A. McAllister,

Acting Regional Forester.

[FR Doc. 01–13853 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention the National Agricultural Statistics Service (NASS) to request an extension of a currently approved information collection, the Cold Storage Survey.

DATES: Comments on this notice must be received by August 8, 2001 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, Room 4117 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2001, (202) 720–4333.

SUPPLEMENTARY INFORMATION: *Title:* Cold Storage Survey.

OMB Control Number: 0535–0001.

Expiration Date of Approval: 09/30/01.

Type of Request: To extend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production. The monthly Cold Storage Survey provides information on national supplies of food commodities in refrigerated storage facilities. A biennial survey of refrigerated warehouse capacity is also conducted to provide a benchmark of the capacity available for refrigerated storage of the nation's food supply. Information on stocks of food commodities facilitates proper price discovery and orderly marketing, processing, and distribution of agricultural products.

The Cold Storage Survey was previously approved by OMB in 1998 for a 3-year period. NASS intends to request that the survey be approved for another 3 years.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 24 minutes per response.

Respondents: Refrigerated storage facilities.

Estimated Number of Respondents: 11,250.

Estimated Total Annual Burden on Respondents: 5,000 hours.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, Room 5330B South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024 or gmcbride@nass.usda.gov.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, May 18, 2001.

Rich Allen,

Associate Administrator.

[FR Doc. 01–13909 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to request an extension of a currently approved information collection, Field Crops Production.

DATES: Comments on this notice must be received by August 8, 2001 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, Room 4117 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2001, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Field Crops Production.

OMB Control Number: 0535–0002.

Expiration Date of Approval: 09/30/01.

Type of Request: To extend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production. The Field Crops Production program consists of probability field crops surveys and supplemental panel surveys. The panel surveys capture unique crop characteristics such as the concentration of crops in localized geographical areas. These surveys are extremely valuable for commodities where acreage and yield are published at the county level. The Field Crops Production Program was last approved by OMB in 1998 for a 3-year period. NASS intends to request that the survey be approved for another 3 years.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 14 minutes per response.

Respondents: Farmers.

Estimated Number of Respondents: 536,000.

Estimated Total Annual Burden on Respondents: 150,000 hours.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, Room 5330B South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024 or gmcbride@nass.usda.gov.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, May 18, 2001.

Rich Allen,

Associate Administrator.

[FR Doc. 01–13910 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Reinstate a Previously Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to request reinstatement of a previously approved information collection, the 2002 Census of Agriculture.

DATES: Comments on this notice must be received by August 8, 2001 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, Room 4117 South Building, 1400 Independence Avenue SW, Washington, D.C. 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION: *Title:* The 2002 Census of Agriculture.

OMB Control Number: 0535–0226.

Type of Request: Intent to Request Reinstatement of a Previously Approved Information Collection.

Abstract: The census of agriculture is the primary source of statistics

concerning the nation's agricultural industry. It provides the only basis of consistent, comparable data for each county, county equivalent, and State in the United States and its outlying insular areas. The census is conducted every 5 years, the last one being for 1997. The 2002 census of agriculture will again cover all agricultural operations in the 50 States, Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of Northern Mariana Islands (CNMI) which meet the census definition for a farm. For the States, Guam, and CNMI, a farm is any place that produced and sold, or normally would produce and sell, $1,000 or more of agricultural products during the census year. For Puerto Rico and the U.S. Virgin Islands it is any place with $500 in sales.

Data collection for the censuses of agriculture for the 50 States and Puerto Rico will be conducted primarily by mail-out/mail-back procedures. Data collection for Guam, the U.S. Virgin Islands, and CNMI will be conducted using direct enumeration methods. NASS conducted a census form content test (OMB #5035–0243) during the winter of 2000–2001 to evaluate new content items, report form design and format, and processing procedures.

To minimize respondent burden, NASS limits the items asked on 75 percent of the report forms to the basic subjects asked in the previous census, such as land use and ownership, crop acreage and production, grain storage, livestock and poultry inventories, federal farm program payments, income from farm-related sources, and operator characteristics. The other 25 percent of report forms include additional questions on hired labor, production expenses, fertilizer and chemical usage, machinery and equipment, and market value of land and buildings. Report forms are tailored to various regions of the country to further reduce burden. A screening survey, conducted prior to the census, will enable NASS to eliminate non-farm operations from the census mail list and determine respondent eligibility for receiving the appropriate census mail package. The census of agriculture is required by law under the ''Census of Agriculture Act of 1997,'' Pub. L. No. 105–113(7 U.S.C. 2204(g)). The law guarantees farm operators that their individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only tabulated total data. These data are used by Congress when developing or changing farm programs. Many national and state programs are designed or allocated based on census data, i.e., soil conservation projects, funds for cooperative extension programs, and research funding. Private industry uses the data to provide more effective production and distribution systems for the agricultural community.

Estimate of Burden: Public reporting burden for this collection of information will be about 24 minutes per response from all sources.

Respondents: Farm and ranch operators.

Estimated Number of Respondents: 3,550,000.

Estimated Total Annual Burden on Respondents: 1,450,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, Room 5330B South Building, 1400 Independence Avenue SW, Washington, DC 20250–2009 or *gmcbride@nass.usda.gov.*

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, May 1, 2001.

Rich Allen,

Associate Administrator.

[FR Doc. 01–13911 Filed 6–1–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

[I.D. 053001A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Impact Assistance Program Review Checklist.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Emergency submission.

Burden Hours: 1,875.

Number of Respondents: 154.

Average Hours Per Response: 5.

Needs and Uses: The Coastal Impact Assistance Program (CIAP) recognizes that impacts from Outer Continental Shelf oil and gas activities fall disproportionately on coastal states and localities nearest to where the activities occur. The program provides one-time funds to seven states and 147 local governments to conduct a variety of related projects, including construction and land acquisition. NOAA must review the projects in accordance with the CIAP legislation before disbursing funds. To expedite review, NOAA developed the CIAP Project Checklist for the construction and land acquisition projects. The Checklist, whose use is voluntary, asks applicants to provide project information to allow NOAA to determine their eligibility under the CIAP as well as eligibility under other relevant statutes (NEPA, etc.).

Affected Public: State, local, or tribal government.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: May 25, 2001.

Madeleine Clayton,

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

[FR Doc. 01–13970 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–08–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–605]

Frozen Concentrated Orange Juice from Brazil; Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: In response to a request by the petitioners and one producer/exporter of the subject merchandise, the Department of Commerce is conducting an administrative review of the antidumping duty order on frozen concentrated orange juice from Brazil. This review covers four manufacturers/exporters of the subject merchandise to the United States. This is the thirteenth period of review, covering May 1, 1999, through April 30, 2000.

We have preliminarily determined that sales have been made below the normal value by Citrovita Agro-Industrial Ltda. in this review. In addition, we have preliminarily determined to rescind the review with respect to Branco Peres Citrus S.A., CTM Citrus S.A., and Sucorrico S.A. because they had no shipments of subject merchandise to the United States during the period of review. If these preliminary results are adopted in the final results of this administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

We invite interested parties to comment on these preliminary results. Parties who wish to submit comments in this proceeding are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument.

EFFECTIVE DATE: June 4, 2001.

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

Applicable Statute and Regulations

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

Background

On May 16, 2000, the Department of Commerce (the Department) published in the **Federal Register** a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil (65 FR 31141).

In accordance with 19 CFR 351.213(b)(1), on May 12, 2000, one producer and exporter of FCOJ, Citrovita Agro Industrial Ltda. (Citrovita), requested an administrative review of the antidumping order covering the period May 1, 1999, through April 30, 2000. On May 31, 2000, the petitioners, Florida Citrus Mutual, Caulkins Indiantown Citrus Co., Citrus Belle, Citrus World, Inc., Orange-Co of Florida, Inc., Peace River Citrus Products, Inc., and Southern Gardens Citrus Processors Corp., also requested an administrative review for the following four producers and exporters of FCOJ: Branco Peres Citrus S.A. (Branco Peres); Citrovita and its affiliated parties (Cambuhy MC Industrial Ltda. (Cambuhy) and Cambuhy Citrus Comercial e Exportadora (Cambuhy Exportadora)); CTM Citrus S.A. (CTM); and Sucorrico S.A. (Sucorrico).

On July 7, 2000, the Department initiated an administrative review for Branco Peres, Citrovita and its affiliates Cambuhy and Cambuhy Exportadora, CTM, and Sucorrico (65 FR 41942), and consequently issued questionnaires to them.

On July 12, July 21, and August 24, 2000, respectively, CTM, Branco Peres, and Sucorrico informed the Department that they had no shipments of subject merchandise to the United States during the period of review (POR). We have confirmed this with the Customs Service with regard to CTM and Sucorrico. *See* the memorandum from Jason M. Hoody to the File, entitled ''U.S. Customs Data Query for Entries During the 1999–2000 Antidumping Duty Administrative Review on Frozen Concentrated Orange Juice from Brazil,'' dated May 30, 2001 (the Customs memo). Consequently, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are preliminarily rescinding our review for CTM and Sucorrico. For further discussion, see the ''Partial Rescission of Review'' section of this notice, below.

Regarding Branco Peres, we were informed by the Customs Service that there was an entry of subject merchandise during the POR withdrawn from a bonded warehouse, which was produced by Branco Peres. *See* the Customs memo. Consequently, we asked Branco Peres to explain the circumstances surrounding this entry. Banco Peres responded that it had reported the sale associated with the entry in question in the prior 1997–1998 administrative review of this proceeding. Because we reviewed the sale associated with this entry in the context of the 1997–1998 administrative review completed August 11, 1999, we have determined that Branco Peres did not have any reviewable entries during this POR. Accordingly, we also are preliminarily rescinding our review of Branco Peres and intend to order liquidation of the entry in question at the rate in effect at the time of entry, in accordance with our practice. For further discussion, see the ''Partial Rescission of Review'' section of this notice, below.

In August and September 2000, we received a response from Citrovita to sections A through C and section D, respectively, of the our questionnaire. In September 2000, November 2000, January 2001, and March 2001, we issued supplemental questionnaires to Citrovita. We received responses to these questionnaires in October 2000, December 2000, February 2001, and March 2001.

Scope of the Review

The merchandise covered by this review is frozen concentrated orange juice from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). The HTSUS item number is provided for convenience and for customs purposes. The written description of the scope of this proceeding is dispositive.

Period of Review

The POR is May 1, 1999, through April 30, 2000.

Partial Rescission of Review

As noted above, Branco Peres, CTM and Sucorrico informed the Department that they had no shipments of subject merchandise to the United States during the POR. We have confirmed this with the Customs Service and with information submitted by Branco Peres from a previous segment of this proceeding. *See* the memorandum from Jason M. Hoody to the File, entitled ''U.S. Sales of Branco Peres in the 1997–1998 Antidumping Duty Administrative Review on Frozen Concentrated Orange Juice from Brazil,'' dated May 30, 2001. Therefore, in accordance with 19 CFR 351.213(d)(3) and consistent with the Department's practice, we are preliminarily rescinding our review with respect to Branco Peres, CTM and

Sucorrico. (*See e.g., Certain Welded Carbon Steel Pipe and Tube from Turkey; Final Results and Partial Rescission of Antidumping Administrative Review,* 63 FR 35190, 35191 (June 29, 1998); and *Certain Fresh Cut Flowers from Colombia; Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 62 FR 53287, 53288 (Oct. 14, 1997).)

Affiliated Producers

During the previous administrative review, a sister company to Citrovita's parent company purchased another Brazilian producer of FCOJ and that producer's affiliated trading company (*i.e.,* Cambuhy and Cambuhy Exportadora, respectively). In that segment of the proceeding, we determined that it was appropriate to treat Citrovita and these affiliated parties as a single entity using the criteria outlined in 19 CFR 351.401(f). *See Notice of Final Results of Antidumping Administrative Review: Frozen Concentrated Orange Juice from Brazil,* 65 FR 60406, 60407 (Oct. 11, 2000) (*FCOJ 1998–1999 Final Results*). Because neither Citrovita nor Cambuhy has provided any new evidence showing that this finding no longer holds true, we have continued to treat Citrovita and Cambuhy as a single entity and to calculate a single margin for them.[1] (*See e.g., Certain Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results of Antidumping Duty Administrative Review,* 64 FR 17998, 17999 (April 13, 1999) (unchanged by the final results).) Regarding Cambuhy Exportadora, however, Citrovita provided information demonstrating that this company did not function as a producer of FCOJ during the POR. Accordingly, we have not collapsed Cambuhy Exportadora with Citrovita and Cambuhy for purposes of the preliminary results.

Comparison Methodology

To determine whether sales of FCOJ from Brazil to the United States were made at less than normal value (NV), we compared the export price (EP) to the NV for Citrovita, as specified in the ''Export Price'' and ''Normal Value'' sections of this notice, below.

When making comparisons in accordance with section 771(16) of the Act, we considered all products sold in the home market as described in the ''Scope of the Review'' section of this notice, above, that were in the ordinary course of trade for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of merchandise in the home market made in the ordinary course of trade (*i.e.,* sales within the contemporaneous window which passed the cost test), we compared U.S. sales to constructed value (CV) in accordance with section 773(a)(4) of the Act.

Level of Trade

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

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

Citrovita claimed that it made home market and U.S. sales at only one level of trade (*i.e.,* sales to end users). Because Citrovita performed the same selling activities for sales to all customers in the home market and the United States, we determined that these sales are at the same level of trade. Therefore, no level of trade adjustment is warranted for Citrovita.

Export Price

For sales by Citrovita, we based the starting price on EP, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation and because constructed export price methodology was not otherwise applicable.

We based EP on the gross unit price to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions for foreign inland freight, foreign brokerage and handling expenses, ocean freight, marine insurance, U.S. customs duty, and U.S. brokerage and handling expenses, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.,* the aggregate volume of home market sales of the foreign like product is greater than five percent of the aggregate volume of U.S. sales), we compared the volume of Citrovita's home market sales of the foreign like product to the volume of U.S. sales of subject merchandise, in accordance with 19 CFR 351.404(b). Based on this comparison, we determined that Citrovita had a viable home market during the POR. Consequently, we based NV on home market sales.

Pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that Citrovita had made home market sales at prices below its cost of production (COP) in this review because the Department disregarded sales that failed the cost test for Citrovita in the most recently completed administrative review. (*See Frozen Concentrated Orange Juice from Brazil: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 64 FR 43650, 43652 (August 11, 1999).) As a result, the Department initiated an investigation to determine whether Citrovita made home market sales during the POR at prices below its COP.

We calculated the COP based on the sum of Citrovita's and its affiliated producer's costs of materials and fabrication for the foreign like product, plus amounts for SG&A expenses and packing costs, in accordance with section 773(b)(3) of the Act.

We used the reported COP amounts to compute a weighted-average COP during the POR, except in the following instances in which the costs were not appropriately quantified or valued:

1. We valued the cost of fruit provided by an affiliated party using the affiliate's COP for Citrovita, and the market price for Cambuhy, in accordance with sections 773(f)(2) and (3) of the Act. We adjusted the reported cost of fresh fruit by allocating the affiliates' costs over only the quantity of good oranges.

2. For Citrovita and Cambuhy, we recalculated the offset for costs related to tolled products to exclude certain items which related solely to the respondent's own production.

3. For Citrovita, we included loss on sale of fixed assets and other operating expenses in the general and administrative (G&A) rate calculation.

[1] Hereinafter, these companies will be referred to collectively as ''Citrovita,'' unless otherwise noted.

For Cambuhy, we included loss on the sale of fixed assets and other operating income in the G&A rate calculation.

4. We recalculated the net financing expense of Citrovita and Cambuhy based on their fiscal year financial statements that most closely related to the POR. We adjusted the financial statement amounts for long-term interest income which is not permitted as an offset to financial expenses. (*See Notice of Final Determination of Sales at Less Than fair Value: Certain Pasta from Italy,* 61 FR 30326, 30359 (June 14, 1996).)

For further discussion of these adjustments, see the cost calculation memorandum from Peter Scholl and Sheikh M. Hannan to Neal Halper, dated May 30, 2001.

We compared the COP to home market prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. On a product-specific basis, we compared the COP to home market prices, less any applicable movement charges, selling expenses, and packing costs.

In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made: (1) In substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. *See* section 773(b)(1) of the Act.

Pursuant to section 773(b)(2)(c)(i) of the Act, where less than 20 percent of a company's sales of a given product are made at prices less than the COP, we do not disregard any below-cost sales of that product because we determine that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of Citrovita's sales of a given product were at prices below the COP, we found that sales of the merchandise were made in ''substantial quantities'' within an extended period of time, as defined in section 773(b)(2)(B) and (C) of the Act. In this case, we also determine that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Consequently, we disregarded the below-cost sales in determining NV.

We found that 100 percent of Citrovita's home market sales within an extended period of time were made at prices less than the COP. Further, the prices did not provide for the recovery of costs within a reasonable period of time. We therefore disregarded the below-cost sales and compared EP to CV, in accordance with section 773(a)(4) of the Act.

In accordance with section 773(e) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, SG&A, financing expenses, profit, and U.S. packing costs, adjusted as noted above. Because Citrovita made no sales at prices above the COP during the POR, we calculated profit, SG&A, and financing expenses in accordance with section 773(e)(2)(B)(iii) of the Act. Specifically, we used the profit rate and selling expenses calculated for Citrovita in the most recent prior segment of this proceeding (*see* the memorandum from Jason Hoody to the File, entitled ''Placement of Business Proprietary Information from the 1998–1999 Administrative Review on the Record of the 1999–2000 Administrative Review of Frozen Concentrated Orange Juice from Brazil,'' dated May 30, 2001). We used the general and administrative expenses and net financing expenses as experienced during the fiscal year that most closely corresponded to the POR.

Pursuant to section 773(a)(6)(C)(iii) of the Act, we made circumstance-of-sale adjustments to CV for differences in credit expenses (offset by interest revenue).

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars unless the daily rate involves a fluctuation. It is the Department's practice to find that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the moving average of rates for the past 40 business days. When we determine a fluctuation to have existed, we substitute the benchmark for the daily rate, in accordance with established practice.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margin exists for the period May 1, 1999, through April 30, 2000:

Manufacturer/exporter	Percent margin
Citrovita Agro Industrial Ltda/ Cambuhy MC Industrial Ltda	15.98

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Interested parties may request a hearing within 30 days of the publication. Any hearing, if requested, will be held seven days after the date rebuttal briefs are filed. Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs, within 120 days of the publication of these preliminary results.

Upon completion of this administrative review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales, as appropriate. These rates will be assessed uniformly on all entries of particular importers made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Further, the following deposit requirements will be effective for all shipments of FCOJ from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for Citrovita and Cambuhy will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106, the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 1.96 percent, the all others rate established in the LTFV investigation.

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

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

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 30, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–13957 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 053001B]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Scientific & Statistical Committee, Shrimp Committee, Executive Committee, Personnel Committee and the Marine Protected Areas Committee. The Council will also hold joint meetings of the Mackerel Committee and Advisory Panel and a joint meeting of the Controlled Access Committee and the Rock Shrimp Advisory Panel. Public comment periods will be held during some of the meetings. There will also be a full Council Session. A Social Science Workshop will be held as part of the meeting.

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

ADDRESSES: The meetings will be held at the Radisson Ponce de Leon Conference Resort Hotel, 4000 U.S. Highway 1 North, St. Augustine, FL 32095; Telephone: 904–824–2821, FAX: 904–824–8254. Copies of the documents are available from Kim Iverson, Public Information Officer, and South Atlantic Fishery Management Council.

Council Address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

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

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. Social Science Workshop: June 17, 2001, 1:30–5:30 p.m.

A Social Science Workshop will be held in order to hold discussion on social issues as they relate to the following: New Social Impact Assessment Guidelines from the National Marine Fisheries Service, implementation/evaluation of Marine Protected Areas in the South Atlantic and a review of the current limited entry program in the South Atlantic Snapper Grouper fishery.

2. Scientific & Statistical Committee Meeting: June 18, 2001, 8:30 a.m.–12 Noon and 1:30–5 p.m.

The Scientific & Statistical Committee will meet to review and comment on the following; Shrimp Amendment 5 (rock shrimp limited access), Economic Cost & Returns Study, Census Study, Marine Protected Areas public scoping document, Snapper Grouper Amendment 13 (list of options), the Snapper Grouper Assessment Group Report and final guidelines for economic analysis. The Committee will also address mackerel issues including the 2001 stock assessment, framework action, Amendment 15 and Gulf Council actions relative to the Tortugas Sanctuary and charter vessel permits.

3. Joint Mackerel Committee and Advisory Panel Meeting: June 19, 2001, 8:30 a.m.-12 noon and 1:30–3:30 p.m.

The Mackerel Committee will meet jointly with the Mackerel Advisory Panel to discuss potential framework actions, review the Amendment 15 options paper, review Gulf Council actions relative to the Tortugas Sanctuary (Amendment 13) and review the Gulf Council's actions on the moratorium on charter vessel permits (Amendment 14).

4. Shrimp Committee Meeting: June 19, 2001, 3:30–5 p.m.

The Shrimp Committee will meet to discuss language and/or format modifications to the ''Bycatch Reduction Device Testing Protocol Manual'' and develop modifications to the protocol manual if appropriate.

Public Hearings: June 19, 2001, 6 p.m.

Public hearings will be held beginning at 6 p.m. in the order indicated regarding the following issues: Amendment 5 to the Rock Shrimp Fishery Management Plan (FMP) (rock shrimp limited access); Amendment 13 to the Mackerel FMP and Spiny Lobster Amendment 7 (Gulf Council actions relative to the Tortugas Sanctuary in the Gulf of Mexico); and Amendment 14 to the Mackerel FMP (Gulf Council actions on a moratorium on charter vessel permits in the Gulf of Mexico. Documents regarding these issues are available through the Council office (see **ADDRESSES**).

5. Executive Committee Meeting: June 20, 2001, 8:30–9:30 a.m.

The Executive Committee will meet to review Council activities and establish priorities for the remainder of 2001.

6. Personnel Committee Meeting: June 20, 2001, 9:30–10:30 a.m.

The Personnel Committee will meet in a closed session to discuss the Executive Director's recommendations for additional staff positions.

7. Joint Controlled Access Committee and Rock Shrimp Advisory Panel: June 20, 2001, 10:30 a.m.–12 noon and 1:30–5 p.m.

The Joint Controlled Access Committee and Rock Shrimp Advisory Panel will meet to review public hearing comments on Amendment 5 to the Rock Shrimp FMP (limited access) and formal comments from the National Marine Fisheries Service. The Committee and Advisory Panel will discuss and develop recommendations regarding Amendment 5 to the Rock Shrimp FMP.

8. Joint Controlled Access Committee and Rock Shrimp Advisory Panel: June 21, 2001, 8:30 a.m.–10:30 a.m.

The Committee and Advisory Panel will continue to discuss and develop recommendations regarding Amendment 5 to the Rock Shrimp FMP.

9. Marine Protected Area Committee: June 21, 2001, 10:30 a.m.-12 noon and 1:30–5 p.m.

The Marine Protected Area Committee will meet to hear an update on the Memorandum Of Agreement (MOU) with Gray's Reef Marine Sanctuary, review the results of scoping meeting and other comments/recommendations, hear a report on the advisory panel meeting and their recommendations, develop committee recommendations and discuss the timing of work for 2001 and 2002.

10. Council Session: June 22, 2001, 8:30 a.m.–4 p.m.

From 8:30–8:45 a.m., the Council will have a Call to Order, introductions and roll call adoption of the agenda, and

approval of the March 2001 meeting minutes.

From 8:45–9:45 a.m., the Council will hold a Public Scoping Meeting on: (1) coral framework action to establish additional Habitat Areas of Particular Concern and (2) development of a comprehensive FMP amendment addressing permit renewal timeframes, operator permits, a consolidated controlled access system and the Atlantic Coast Cooperative Statistics Program's permits and reporting. Documents regarding these issues are available from the Council office (see **ADDRESSES**).

From 9:45–10:45 a.m., the Council will hear a report from the Mackerel Committee. Beginning at 9:45 a.m., a public comment period will be held on any proposed framework changes to the Mackerel FMP. Following the public comment period, decisions will be made regarding (1) any proposed framework actions, (2) Amendment 13 to the Mackerel FMP (Gulf Council actions relative to the Tortugas Sanctuary in the Gulf of Mexico) and (3) Amendment 14 to the Mackerel FMP (Gulf Council actions on a moratorium on charter vessel permits in the Gulf of Mexico).

From 10:45–11:15 a.m., the Council will hear a report from the Controlled Access Committee regarding Amendment 5 to the Shrimp FMP (rock shrimp limited access) and make modifications as appropriate.

From 11:15–11:45 a.m., the Council will address red porgy issues including current stock status, information from fishermen and management measures currently in place.

From 11:45 a.m.–12:15 p.m., the Council will hear a report from the Shrimp Committee. A public comment period will be held beginning at 11:45 a.m. regarding any proposed modifications to the BRD Testing Protocol Manual. Following the comment period, the Council will make a decision on any language/format modifications to the manual as needed.

From 1:30–2 p.m., the Council will hear a report from the Marine Protected Areas Committee and modify the MOU with Gray's Reef if necessary. The Council will also discuss the approach and timing for Marine Protected Areas.

From 2–2:15 p.m., the Council will hear a report from the Executive Committee.

From 2:15–2:30 p.m., the Council will hear a report from the Personnel Committee.

From 2:30–2:45 p.m., the Council will hear a report on the recent Chairmen's meeting.

From 2:45–3 p.m., the Council will hear a report on the Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council's funding recommendations.

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

From 3:30–4 p.m., the Council will hear Agency and Liaison Reports, discuss other business and upcoming meetings.

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

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting date.

Dated: May 30, 2001.

Richard W. Surdi,

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

[FR Doc. 01–13968 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052501C]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research permit (1324); Issuance of permits 1275, 1295, 1299 and modification #2 to permit 1198.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a scientific research permit from Dr. Nancy Thompson, National Marine Fisheries Service-Southeast Fisheries Science Center; NMFS has issued permit 1299 to Dr. Raymond Carthy of the Florida Cooperative Fish & Wildlife Research Unit (1299); NMFS has issued permit 1295 to Dr. Michael P. Sissenwine of Northeast Fisheries Science Center (1295); NMFS has issued permit 1275 to Mr. Joseph Hightower of the North Carolina Cooperative Fish and Wildlife Research Unit (1275); and, NMFS has issued modification #2 to permit 1198 to Dr. Allen Foley of the Florida Fish and Wildlife Conservation Commission (1198).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on July 5, 2001.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA.

Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

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

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

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

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Fish

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

New Applications Received

Application 1324

The Southeast Fisheries Science Center (SEFSC) has applied for a two-year permit to conduct sea turtle bycatch reduction experiments associated with longline fishing techniques. The SEFSC proposes to conduct experiments to focus on the effectiveness of specific measures to reduce the bycatch of sea turtles in the Pelagic Longline fishery. The applicant proposes to take 415 loggerhead, 301 leatherback, 2 Kemp's ridley, 2 green and 2 hawksbill turtles over the life of the permit. Turtles taken by longline gear during this experiment will be handled, measured, flipper and PIT tagged, have a skin biopsy collected and be released. The applicant also requests authorization to attach 20 conventional satellite tags and 75 pop-up satellites to a total of 95 of the already taken loggerhead turtles. Any turtles brought aboard the vessel dead will be removed from marine environment for research purposes. The application is available for download and review from the Office of Protected Resources permits webpage: http://www.nmfs.noaa.gov/prot—res/PR3/Permits/ESApermit.html.

Permits and Modified Permits Issued

Permit #1275

Notice was published on January 25, 2001 (66 FR 7742) that Mr. Joseph Hightower, of North Carolina Cooperative Fish and Wildlife Research Unit applied for a scientific research permit (1275). The applicant proposed to conduct a two year survey of the Neuse River to prepare a baseline study of the possible existence of shortnose sturgeon in the river. The research will use the NMFS sampling protocols for determining presence or absence of shortnose sturgeon in a selected river. The goals of the study are to determine whether shortnose sturgeon are present within the Neuse River system, and to determine if suitable shortnose sturgeon habitat is available within the river system. Permit 1275 was issued on May 24, 2001 and expires December 31, 2002.

Permit #1295

Notice was published on March 5, 2001 (66 FR 13305) that Dr. Michael P. Sissenwine, of Northeast Fisheries Science Center applied for a scientific research permit (1295). The goal of the five-year plan for sea turtles in the Northeast is to work cooperatively with other regions to support and direct research on sea turtles in order to identify and assess the status of sea turtle stocks, reduce the estimated mortality associated with fishing activities and other anthropogenic and natural sources and to recover ESA listed species. Permit 1295 was issued on May 24, 2001, and expires May 31, 2006.

Permit #1299

Notice was published on March 9, 2001 (66 FR 14134) that Dr. Raymond Carthy, of the Florida Cooperative Fish & Wildlife Research Unit applied for a scientific research permit (1299). The applicant requested a three year permit to take juvenile and adult turtles along the St. Joseph Peninsula, in St. Joseph Bay, Florida. The applicant proposes to examine the internesting movements and habitat usage of adult loggerhead turtles along the northwestern coast of Florida, while also examining species composition, population densities and habitat utilization in coastal bays in the same area. Permit 1299 was issued on May 24, 2001, and expires December 31, 2003.

Modification #2 to Permit #1198

The Florida Marine Research Institute currently possesses a five-year scientific research permit to take up to 700 loggerhead, 250 green, 5 leatherback, 25 hawksbill, and 100 Kemp's ridley sea turtles annually from Florida coastal waters. Turtles captured will include all life history stages from post-hatchling through adult. Of the 700 loggerheads authorized annually, 400 are hatchlings. This research will further the understanding of life histories, habitat requirements, migratory behaviors, and threats to these five species of sea turtles occurring in Florida waters. The permit holder currently has authorization to capture turtles in tended, straight-set, large-mesh tangle nets; tended, drifting large-mesh tangle nets; tended, encircling (strike) large-meshed nets; dip nets; and by hand-capture. Captured turtles are weighed, measured, photographed, and flipper and PIT tagged. Select turtles have blood and stomach samples (via gastric lavage) collected and receive radio, sonic, and/or satellite transmitters. Additionally, laparoscopy and tumor collection are authorized to be performed on selected turtles.

For modification #2, the applicant requests the Dr. Allen Foley be designated as permit holder in place of Mr. J. Alan Huff, who is no longer responsible for this permit activity. The applicant also requests authorization to use ten crittercams in lieu of ten previously authorized radio/sonic transmitters. Modification #2 to Permit 1198 was issued on May 18, 2001, and permit 1198 expires March 31, 2004.

Dated: May 25, 2001.

Phil Williams,

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

[FR Doc. 01–13969 Filed 6–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of a Programmatic Environmental Impact Statement (PEIS) on the Chemical and Biological Defense Program (CBDP)

AGENCY: U.S. Army Medical Research and Materiel Command, Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army announces its intention to prepare a PEIS that will assesses the potential

environmental impacts associated with the execution of the DoD CBDP designed to protect our soldiers, sailors, marines, and airmen from the evolving chemical and biological threats they may encounter on the battlefield. The National Defense Authorization Act for Fiscal Year 1994 mandated the coordination and integration of all DoD CBDP. The Army is the executive agent for the CBDP.

ADDRESSES: Written comments concerning the PEIS should be addressed to Dr. Robert J. Carton, Environmental Coordinator, U.S. Army Medical Research and Materiel Command, ATTN: MCMR–RCQ–E, 504 Scott Street, Fort Detrick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Carton at (301) 619–2004 or by fax at (301) 619–6694.

SUPPLEMENTARY INFORMATION: The mission of the DoD CBDP is to provide chemical and biological (CB) defense capabilities to allow the military forces of the United States to survive and successfully complete their operational missions in battlespace environments contaminated with CB warfare agents. If our military forces are not fully and adequately prepared to meet this threat, the consequences could be devastating. The CBDP to support this mission comprises research, development and acquisition activities. Each of the Military Services, the Joint Program Office for Biological Defense, and the Defense Advanced Research Projects Agency conduct CBDP activities. Some of these CBDP activities necessarily involve the use of hazardous chemicals or infectious disease agents for research, development, and production purposes. The controls on and the potential environmental consequences of such use both for the proposed action and for any reasonable alternatives will be a primary focus of the CBDP PEIS.

The CBDP is divided into six commodity areas. Each commodity area is managed by one of the Military Services and has an activity focus as follows:

(1) Contamination Avoidance (Army): Pursuit of technological advances in CB standoff detection, remote/early warning detection, sensor miniaturization, and improved detection sensitivity.

(2) Individual Protection (Marine Corps) and Collective Protection (Navy): Pursuit of technological advances that provide an individual with improved vision and voice capabilities, increased protection levels, and reduced heat stress over current individual protection equipment. Also the pursuit of technological advances that improve generic CB protective filters and fans, and advances that reduce the weight, volume, cost, logistics, and manpower requirements associated with providing individual and collective protection.

(3) Decontamination (Air Force): Pursuit of technological advances in sorbents, coatings, and physical removal, which will reduce logistics burden, manpower requirements, and lost operational capability associated with decontamination operations.

(4) Medical Protection (Army): Chemical defense efforts include development of pretreatment therapeutic drugs, diagnostic equipment, and other life support equipment for protection against and management of chemical warfare agents. Biological defense efforts include development of vaccines, drugs, and diagnostic medical devices for protection against validated biological warfare agents to include bacteria, viruses, and toxins of biological origin.

(5) Modeling and Simulation (Navy): Efforts include meteorological models, transport and dispersion models, hazard and casualty assessment, computational fluid dynamics, hydrocodes, and constructive, live, and virtual simulation.

The activities take place at numerous military installations and contractor facilities throughout the United States. Details concerning the CBDP are contained in the ''Chemical and Biological Defense Program, Annual Report to Congress, March 2000.'' This report may be downloaded in electronic format from the DoD web site at http://www.defenselink.com.

Although numerous environmental documents, dating back to the Final Programmatic Environmental Impact Statement on the Biological Defense Research and Development Program (April 1989), have been prepared analyzing the potential environmental consequences of various elements of the CBDP, no one document analyzes the potential environmental impacts of the full range of these activities. In keeping with the purposes of the National Environmental Policy Act, DoD has decided to prepare such a document in the form of a PEIS on the CBDP. This document will create an overarching framework that will continue to ensure fully informed Government decision making within this program and provide a single, up-to-date informational resource for the public.

Specifically, the PEIS will: (1) Update and expand current programmatic documentation, providing information on and analysis of the changes that have occurred in the biological defense program over the last decade; (2) enlarge the scope of the current programmatic documentation to include the chemical defense program; (3) provide a current programmatic NEPA document that will facilitate future Government decision making by allowing future environmental analyses under the CBDP to be tiered from it; and (4) share with the public the features of this program that demonstrate DoD's commitment to protect the environment and to ensure public safety during the execution of this operationally mandated program.

Proposed Action and Alternatives

The proposed action consists of the execution of an integrated program designed to protect our soldiers, sailors, marines, and airmen from the evolving chemical and biological threats they may encounter on the battlefield. The No-Action alternative, continuation of current CBDP operations as described in and covered by existing environmental analyses will be evaluated, as well as all other reasonable alternatives identified during the public scoping process.

Scoping Process

Public comments are solicited concerning the environmental issues related to the CBDP. Scoping activities will be designed to facilitate public involvement. The scoping process supporting this effort will include: establishment of the public CBDP PEIS web site at http://ChemBioEIS.detrick.army.mil; dissemination of public information packages; publications in local newspapers; and coordination with public interest groups. Public meetings may be held if subsequently determined appropriate. These efforts will allow the public to provide input regarding the scope of the study and reasonable alternatives. To permit sufficient time for the U.S. Army to fully consider public input on issues, written or e-mail comments should be mailed or transmitted to ensure receipt prior to the end of the scoping period that will be identified on the CBDP PEIS web site. E-mail comments may be submitted via the CBDP PEIS web site at http://ChemBioEIS.detrick.army.mil.

Dated: May 29, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I&E).

[FR Doc. 01–13892 Filed 6–1–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 01–65, and C&E 01–66 Certification Notice—200]

Office of Fossil Energy; Notice of Filings of Coal Capability of Augusta Energy, LLC and Tenaska Alabama II Partners, L.P. Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Augusta Energy, LLC and Tenaska Alabama II Partners, L.P. 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, DC 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: Augusta Energy LLC (C&E 01–65).
Operator: Calpine Eastern Inc.
Location: Richmond County, GA.
Plant Configuration: Combined-cycle.
Capacity: 825 MW.
Fuel: Natural gas.
Purchasing Entities: Wholesale electric market.
In-Service Date: September 1, 2003.

Owner: Tenaska Alabama II Partners, L.P. (C&E 01–66).
Operator: Tenaska Alabama II Partners, L.P.
Location: Autauga County, AL.
Plant Configuration: Combined-cycle.
Capacity: 875 MW.
Fuel: Natural gas.
Purchasing Entities: Coral Power, LLC.
In-Service Date: May, 2003.

Issued in Washington, DC, May 29, 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. 01–13916 Filed 6–1–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Electrical Interconnection of the Chehalis Generation Facility

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of the ROD to integrate power from the Chehalis Generation Facility into the Federal Columbia River Transmission System (FCRTS), based on BPA's Resource Contingency Program Environmental Impact Statement (RCP EIS, DOE/EIS–0230, November 1995), Supplement Analysis (SA, DOE/EIS–0230/SA–02, May 9, 2001), BPA's Business Plan EIS (BP EIS, DOE/EIS–0183, June 1995), and Business Plan ROD (August 1995). BPA has decided to offer contracts to Chehalis Power Generation, L.P., to facilitate integration of power into the FCRTS for delivery to the wholesale power market.

ADDRESSES: Copies of the ROD for the Electrical Interconnection of the Chehalis Generation Facility, which includes the SA, may be obtained by calling BPA's toll-free document request line: 1–800–622–4520. The RCP EIS, BP EIS, and BP ROD are also available.

FOR FURTHER INFORMATION, CONTACT: Dawn R. Boorse, Bonneville Power Administration—KEC–4, P.O. Box 3621, Portland, Oregon, 97208–3621, telephone number 503–230–5678, fax number 503–230–5699; e-mail *drboorse@bpa.gov.*

Issued in Portland, Oregon, on May 24, 2001.

Stephen J. Wright,

Acting Administrator and Chief Executive Officer.

[FR Doc. 01–13915 Filed 6–1–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–369–000]

Williams Gas Processing-Gulf Coast Company, L.P.; Notice of Petition for a Declaratory Order

May 29, 2001.

Take notice that on May 18, 2001, Williams Gas Processing-Gulf Coast Company, L.P. (WGP), P.O. Box 1396, Houston, Texas 77251, filed a petition for a declaratory order in Docket No. CP01–369–000, requesting that the Commission declare that WGP's acquisition, ownership and operation of the Central Louisiana Gathering System located largely onshore Louisiana and in offshore waters on the Outer Continental Shelf (OCS), currently owned by WGP's affiliate, Transcontinental Gas Pipe Line Corporation (Transco), would have the primary function of gathering of natural gas and would thereby be exempt from the Commission's jurisdiction pursuant to section 1(b) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection. The filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

It is stated that Transco and WGP have entered into a Transfer and Assignment Agreement, as amended, under which Transco will transfer the subject gathering facilities to WGP at net book value, as set forth in Transco's application. WGP states that conveyance of the facilities will become effective on the last business day of the calendar month following a Commission order approving the abandonment and acceptable to Transco and WGP, or at a mutually agreeable date thereafter. Pursuant to the transfer agreement, WGP states that it will provide gathering services in a manner consistent with open access and non-discriminatory principles. WGP states that this petition is a companion to Transco's concurrently filed application to abandon the subject facilities by transfer to WGP in Docket No. CP01–368–000.

WGP states that this petition and the accompanying Transco application for abandonment are based on the Commission's current policy regarding its NGA jurisdiction over offshore facilities as set forth in the Sea Robin remand order, *Sea Robin Pipeline Co.,* 87 FERC ¶ 61,384 (1999), *reh'g denied,* 92 FERC ¶ 61,072 (2000) (*Sea Robin*). WGP states that although WGP and Transco have a similar spindown

proceeding that has been pending before the Commission on rehearing since 1996, in this proceeding WGP and Transco have revised their spindown requests pursuant to the new policy in order to obtain prompt Commission Action.

WGP states that Transco and WGP are undertaking to spindown Transco's offshore gathering facilities, on a system-by-system basis, under the Commission's reformulated ''primary function'' principles recently announced in Sea Robin. WGP states that on November 20, 2000, Transco and WGP filed to spindown portions of Transco's North Padre and Central Texas gathering systems together in Docket Nos. CP01–34–000 and CP01–32–000. It is also stated that on March 12, 2001, in Docket Nos. CP01–103–000 and CP01–104–000, Transco and WGP filed to spindown Transco's North High Island/West Cameron gathering system. WGP states that the instant application and petition propose to spindown Transco's Central Louisiana Gathering System. WGP states that it is Transco's and WGP's hope that presenting the revised spindown filings on a system-by-system basis under the Commission's current policy—the reformulated primary function test—facilitate the Commission's prompt review and approval of the filings.

WGP submits that the primary function of the facilities is gathering, consistent with the criteria set forth in Farmland Industries, Inc. (23 FERC ¶ 61,063 (1983)), as modified in subsequent orders. WGP submits that WGP's requested gathering determination and Transco's requested firm-to-gathering rate design go hand in hand.

Any questions concerning this application may be directed to Mari M. Ransey, Esq., One Williams Center, MD 41–3, Tulsa, Oklahoma 74172, call (918) 573–2611.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before June 19, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project copies of their protests only to the party or parties directly involved in the protest.

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.*

If the Commission decides to set the application for a formal hearing before an Administrative law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

David P. Boergers,

Secretary.

[FR Doc. 01–13875 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. CP01–370–000

Williston Basin Interstate Pipeline Company and Frontier Gas Storage Company; Notice of Joint Application

May 29, 2001.

Take notice that on May 18, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), P.O. Box 5601, Bismarck, North Dakota 58506–5601 and Frontier Gas Storage Company (Frontier), c/o Lord Securities Corporation, Two Wall Street, 19th Floor, New York, New York 10005 filed a Joint Abbreviated Application pursuant to Section 7(b) of the Natural Gas Act and Sections 157.7 and 157.18 of the Commission's Regulations for an order permitting and approving the abandonment of certificates.

Williston Basin and Frontier state that inasmuch as all gas previously owned by Frontier has been withdrawn from Williston Basin's storage fields as of April 3, 2001, and neither Williston Basin nor Frontier has any further need for the services provided by the other, Williston Basin and Frontier respectfully request abandonment of the certificates authorizing the services provided by Williston Basin pursuant to Rate Schedules X–9 and X–11 of its FERC Gas Tariff, Original Volume No. 2 and by Frontier pursuant to its FERC Gas Tariff, Original Volume Nos. 1 and 2, including most specifically Rate Schedule LVS–1. Williston Basin and Frontier further state they are the only parties to the certificates of public convenience and necessity proposed to be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 2001, file with the Federal Energy Regulatory 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 (18 CFR 385.211) and the Regulations under the Natural Gas Act (18 CFR 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 proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 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 or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion 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.

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.*

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Williston Basin and Frontier to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–13873 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–182–000, et al.]

Tanir Bavi Power Company Ltd., et al.; Electric Rate and Corporate Regulation Filings

May 25, 2001.

Take notice that the following filings have been made with the Commission:

1. Tanir Bavi Power Company Private Ltd.

[Docket No. EG01–182–000]

Take notice that on May 23, 2001, Tanir Bavi Power Company Private Ltd. (Tanir Bavi), with its principal office at principal office at Skip House, 25/1, Museum Road, Bangalore, 56 0025, filed with the Federal Energy Regulatory Commission (Commission) an amendment to its April 4, 2001 application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Tanir Bavi is a company organized under the laws of India. Tanir Bavi will be engaged, directly or indirectly through an affiliate as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, exclusively in owning, or both owning and operating an electric generating facility consisting of a 220 MW Power Plant in Mangalore, State of Karnataka in India; selling electric energy at wholesale and engaging in project development activities with respect thereto.

Comment date: June 15, 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. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply, Lincoln Generating Facility, LLC

[Docket No. ER01–2092–000]

Take notice that on May 22, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Lincoln Generating Facility, LLC (Allegheny Energy Supply—Lincoln) tendered for filing Service Agreement No. 2 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply—Lincoln offers generation services. Allegheny Energy Supply—Lincoln requests a waiver of notice requirements to make service available as of May 4, 2001 to Commonwealth Edison Company. Confidential treatment of provisions of Service Agreement No. 2 has been requested.

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, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Golden Spread Electric Cooperative, Inc.

[Docket No. ER01–2096–000]

Take notice that on May 22, 2001, Golden Spread Electric Cooperative, Inc. (Golden Spread) tendered for filing amendments to its rate schedules for service to its eleven member cooperatives.

Golden Spread requests waiver of the Commission's prior notice regulations such that the amendments may become effective on July 1, 2001.

A copy of this filing has been served upon all of Golden Spread's members.

Comment date: June 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Great Bay Power Corporation

[Docket No. ER01–1960–001]

Take notice that on May 22, 2001, Great Bay Power Corporation (Great Bay) tendered for filing an amendment to its May 3, 2001 filing with a revised service agreement for Burlington Electric Department under Great Bay's FERC Electric Tariff No. 2, Second Revised Volume No. 2. The revised service agreement is proposed to be effective April 9, 2001.

Comment date: June 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Portland General Electric Company

[Docket No. ER01–2097–000]

Take notice that on May 22, 2001, Portland General Electric Company (PGE) tendered for filing revised tariff sheets to its market-based rate tariff (Fifth Revised Volume No. 11) in the above-referenced proceeding. These revised tariff sheets are intended to permit PGE to engage in market-based transactions with Enron Power Marketing Inc., an affiliate of PGE, through the EnronOnline Platform while retaining the protections against affiliate abuse that are contained in PGE's Tariff.

Comment date: June 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Transmission Company LLC

[Docket No. ER01–2098–000]

Take notice that on May 22, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Firm Point-to-Point Service Agreement and a Non-Firm Point-to-Point Service Agreement with Southern Minnesota Municipal Power Agency. ATCLLC requests an effective date of March 18, 2001.

Comment date: June 12, 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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance). 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. 01–13881 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

May 29, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 11965–000.

c. *Date Filed:* April 18, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* East Park Dam Hydroelectric Project.

f. *Location:* The proposed project would be located on an existing dam owned by the U.S. Bureau of Reclamation, on the Little Stoney Creek, approximately 33 miles southwest of the town of Orlando, in Colusa County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630, (fax) (208) 745–7909, or e-mail address: npsihydro@aol.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr at (202) 219–2671, or e-mail address:lynn.miles@ferc.fed.us.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

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, recommendations, interventions, and protests, may be electronically filed 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.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

k. *Competing Application:* Project No. 11896–000, *Date Filed:* February 27, 2001, *Due Date:* May 29, 2001

l. *Description of Project:* The proposed project would be using the U.S. Bureau of Reclamation's East Park Dam and would consist of: (1) A 10 foot diameter 300- foot-long steel penstock; (2) a powerhouse containing two generating units with a total installed capacity of 8.5 megawatts; (3) a 25 kv transmission line approximately 20 miles long; and (4) appurtenant facilities.

The project would have an annual generation of 57.6 GWh.

m. *Location of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 or assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30 (b) and 4.36.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. 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.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. 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. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. 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. 01–13872 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

May 29, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.

b. *Project No.:* 1862–088.

c. *Date Filed:* May 14, 2001.

d. *Applicant:* City of Tacoma.

e. *Name of Project:* Nisqually Hydroelectric Project.

f. *Location:* The Nisqually Hydroelectric project is located on the Nisqually River in Pierce, Thurston, and Lewis Counties, Washington. The project is partially located on lands of the Mount Baker-Snoqualmie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Steven Fischer, Tacoma Power, 3628 South 35th Street, Tacoma, WA 98409–3192; (253) 502–8316.

i. *FERC Contact:* Questions about this notice can be answered by John Smith at (202) 219–2460 or e-mail address: *john.smith@ferc.fed.us.* The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, terms and conditions, motions to intervene, and protests:* 14 days from the issuance date of this notice.

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, 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.

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.

k. The City of Tacoma filed an application seeking approval for installation of a small hydroelectric unit at the base of LaGrande dam to provide the 30-cubic-foot-per-second minimum flow release required by article 403 of the project's license and to recover some of the electrical energy lost due to the minimum flow being released from the dam instead of through the powerhouse. The unit would be installed at the base of LaGrande dam adjacent to the river outlet valve.

l. 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. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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 of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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. 01–13876 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing with the Commission and Soliciting Additional Study Requests

May 29, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* P–12020–000.

c. *Date filed:* May 14, 2001.

d. *Applicant:* Marseilles Hydro Power, LLC.

e. *Name of Project:* Marseilles Hydroelectric Project.

f. *Location:* On the Illinois River, in the Town of Marseilles, La Salle County, Illinois. The project affects 0.6 acres of public lands owned by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Loyal Gake, P.E., Marseilles Hydro Power, LLC, 116 State Street, P.O. Box 167, Neshkoro, WI 54960.

i. *FERC Contact:* Steve Kartalia, (202) 219–2942 or stephen.kartalia@FERC.fed.us

j. *Deadline for filing additional study requests:* July 13, 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, protests, interventions and additional study requests 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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy that document on each person 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.

k. The application is not ready for environmental analysis at this time.

l. The Marseilles Hydroelectric Project utilizes the Marseilles Dam and Reservoir which is owned and operated by the U.S. Army Corps of Engineers. The existing run-of-river project consists of: (1) A 55-foot-high by 40-foot-wide by 229-foot-long reinforced concrete powerhouse, housing thirteen generating units for a total installed capacity of 4,745–kW; (2) a head gate structure consisting of an fixed dam approximately 95 feet long on the left (west) side and two steel 15-foot-high and 60-foot-wide gates on the right (east) side; (3) the North Channel Headrace which is approximately 2,730-foot-long, 15-foot-deep, and varies between 800- to 200-foot-wide and conveys water from the head gates to the powerhouse; (4) a new 210-foot-long trash racks along the upstream side of the forebay area set at 10-degree angle in 18 feet of water with an additional set of 40-foot-long trash racks along the wall between the turbine forebay and the sluiceway on the right (west) side of the powerhouse and set vertically in 15 feet of water; and (5) appurtenant facilities.

The applicant proposed to rebuild the project in two phases: (a) In the first phase, seven generating units will be restored to operation; and (b) in the second phase, the remaining six generating units will be restored. The total project capacity will be 4,745 kW with an annual average generation of 34,000 MWh.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

David P. Boergers,

Secretary.

[FR Doc. 01–13877 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

May 29, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 11967–000.

c. *Date Filed:* April 18, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Easton Diversion Dam Hydroelectric Project.

f. *Location:* The proposed project would be located on an existing dam owned by the U.S. Bureau of Reclamation, on the Yakima River in Kittitas County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630, (fax) (208) 745–7909, or e-mail address: npsihydro@aol.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 219–2671, or e-mail address: lynn.miles@ferc.fed.us.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

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 recommendation, interventions, and protests, may be electronically filed 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.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

k. *Description of Project:* The proposed project would be using the existing U.S. Bureau of Reclamation's Easton Diversion Dam and would consist of: (1) A 5-foot diameter 150-foot-long steel penstock; (3) a powerhouse containing one MW generating unit with an installed capacity of 3MW; (4) a 15 kv transmission line approximately 1 mile long; and (5) appurtenant facilities.

The project would have an annual generation of 13.1GWh.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. 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.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. 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. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. 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. 01–13878 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

May 29, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12005–000.

c. *Date Filed:* April 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Cherry Valley Dam Hydroelectric Project.

f. *Location:* The proposed project would be located on an existing dam owned by the Turlock Irrigation District, on the Cherry Creek in Tuolumne County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442 (208) 745–8630, (fax) (208) 745–7909, or e-mail address: npsihydro@aol.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 219–2671, or e-mail address: lynn.miles@ferc.fed.us.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

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 recommendation, interventions, and protests, may be electronically filed 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.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

k. *Description of Project:* The proposed project would consist of (1) An existing 315 foot high and 2,630 foot long earthfill dam; (2) an existing reservoir having a surface area of 1,535 acres with a storage capacity of 268,000 acre-feet at a normal water surface elevation of 4,500 feet msl; (3) a 10-foot-diameter 400-foot-long steel penstock; (4) a powerhouse containing two generating units, with a total installed capacity of 5.2MW; (5) a 15 kv transmission line approximately 15 miles long; and (6) appurtenant facilities.

The project would have an annual generation of 40.8 GWh.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. 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.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. 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. 01–13879 Filed 6–1–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6991–3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Recordkeeping and Reporting Requirements for Primary Aluminum Reduction Plants, Maximum Achievable Control Technology (MACT)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Recordkeeping and Reporting Requirements for Primary Aluminum Reduction Plants, Maximum Achievable Control Technology (MACT)—40 CFR part 63, subpart LL; EPA ICR No. 1767.03; OMB Control No. 2060–0360; expiration date was December 31, 2000. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 5, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1767.03 to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy @epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No.1767.03. For technical questions about the ICR contact Maria Malavé at (202) 564–7027 or via E-mail to MALAVE.MARIA @EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: *Title:* Maximum Achievable Control Technology (MACT) Standards for Primary Aluminum Reduction Plants; 40 CFR part 63, subpart LL; EPA ICR No. 1767.03; OMB Control No. 2060–0360; expiration date was May 31, 2000. This is a reinstatement of a previously approved Information Collection Request.

Abstract: The MACT standards for this source category were proposed on September 26, 1996 and were promulgated on October 7, 1997. These standards apply to the owners or operators of new or existing potlines, paste production plants, or anode bake furnaces associated with primary aluminum production and located at a major source, and for each new pitch storage tank associated with a primary aluminum reduction plant.

In order to ensure compliance with the standards, adequate record-keeping and reporting is necessary. This information enables the Agency to identify the sources subject to the standard; ensure initial compliance with emission limits; and verify continuous compliance with the standard.

This rule requires written notification when: an area source increases its emissions such that it becomes a major source; the initial startup is before the effective date of the standard; the effective date of a new or reconstructed source is after the effective date of the standard, and for which an application for approval of construction or reconstruction is not required; there is an intent to construct a new major source or reconstruct a major source after the effective date of the standard, and for which an application for approval or construction or reconstruction is required; an initial performance test occurs; submitting an initial compliance status; an affected source intents to use a hydrogen fluoride (HF) continuous emission monitor; and submitting the compliance approach. In addition, sources are required to: submit results of performance tests; provide semiannual reports unless quarterly reports are

required as a result of excess emissions; develop a startup, shutdown, and malfunction plan; and maintain records for a period of five years following the date of each occurrence, measurement, maintenance, corrective action report, or record.

All reports are sent to the delegated State or Local Agency. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 31, 2000.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2,416 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of new or existing primary aluminum reduction facilities.

Estimated Number of Respondents: 23.

Frequency of Response: quarterly or semiannual.

Estimated Total Annual Hour Burden: 121,277.

Estimated Total Annualized Capital and Operating & Maintenance Cost Burden: $117,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1767.03 and OMB Control No. 2060–0360 in any correspondence.

Dated: May 23, 2001.

Oscar Morales,

Director Collection Strategies Division.

[FR Doc. 01–13946 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[WH–FRL–6989–9]

National Drinking Water Advisory Council Research Working Group Notice of Public Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the Drinking Water Research Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300F *et seq.*), will be held on June 21–22, 2001. On June 21 the meeting will be held from 1:30–6:00 pm ET (with a possible evening session), and on June 22 from 9:00–3:00 pm, at Resolve, 1255 23rd Street, NW., Suite 275, Washington, DC 20037. The meeting will be open to public to observe and statements will be taken from the public as time allows. Seating is limited.

This is the second meeting of the Drinking Water Research Working Group. The Environmental Protection Agency (EPA) anticipates 2 meetings of this working group over the course of the next year. The purpose of this working group will be to provide advice to NDWAC as it develops recommendations for EPA on a Comprehensive Drinking Water Research Strategy (as required under the Safe Drinking Water Act) that will consider a broad range of research needs to support the Agency's drinking water regulatory activities. The research strategy will include an assessment of research needs for microbes and disinfection by-products (M/DBPs), arsenic, contaminants on the Contaminants Candidate List (CCL), and other critical cross-cutting issues, such as sensitive subpopulations, distribution systems, contaminants mixtures, future scenarios and source water assessment. This meeting will focus on reviewing the new outline for the Comprehensive Drinking Water Research Strategy, and discussing selected contaminants and cross-cutting/emerging issues.

For more information, please contact Maggie Javdan, U.S. EPA (4607), Office of Ground Water and Drinking Water, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The telephone is 202–260–9862, fax 202–401–6135, and e-mail (*javdan.maggie@epa.gov*).

Dated: May 23, 2001.

Janet Pawlukiewicz,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 01–13945 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6988–7]

Proposed CERCLA Administrative Settlement—Rocky Flats Industrial Park Site, Jefferson County, Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement under sections 122(g) of CERCLA, 42 U.S.C. 9622(g), concerning the Rocky Flats Industrial Park site located in the 17,000 block of Colorado Highway 72, approximately two miles east of the intersection of Colorado Highways 93 and 72, in Section 23, T2N, in Jefferson County, Colorado. This settlement, embodied in a CERCLA section 122(g) Administrative Order on Consent (''AOC''), is designed to resolve each settling parties' liability at the Site for past work, past response costs and specified future work and response costs through covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607. The proposed AOC requires the settling parties listed in the Supplementary Information section below to pay an aggregate total of $668,695.88.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received and may modify or withdraw its consent to either or both of the settlements if comments received disclose facts or considerations which indicate that either settlement is inappropriate, improper, or inadequate. The Agency's

response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before July 5, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Rocky Flats Industrial Park Site, Jefferson County, Colorado and the EPA docket number CERCLA–8–2001–06.

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

SUPPLEMENTARY INFORMATION: Proposed AOC for *De Minimis* Settlement under section 122(g) of CERCLA, 42 U.S.C. 9622(g): In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notice is hereby given that the terms of the AOC have been agreed to by the following settling parties, for the following amounts (where the name of one party is followed by one or more names grouped under it, the main name listed is the name that appears on the AOC signature page or is the name of the party that is assuming liability under the AOC):

ADMINISTRATIVE ORDER ON CONSENT DE MINIMIS SETTLEMENT

[EPA Docket No. CERCLA–8–2001–06]

	Settlement amount
Settling Respondents (private parties)	
Accutronics	$5,237.18
Adcon Sign/Advertising Agency	4,878.85
Advanced Design Auto Body	826.91
AG Wassenaar, Inc	441.02
Alpine Auto Body	727.70
Anema's Auto Body	9,387.22
Antique Shop/Place, The	1,267.95
Aurora Public Schools	3,087.18
Aurora Risk Management, City of	551.28
Auto Body & Paint Center, Inc	4,520.51
Autoliv, Denver Operations f/k/a OEA, Inc	4,300.01
AutoNation, Inc	826.91
Emich Olds Auto Body	
Avedon Engineering	7,442.31
AVX Corporation, a Kyocera Group Company	8,820.52
Bear Creek Auto Body	1,929.49
Best Manufacturing Co. dba Best Sign Systems	871.03
Bill Crouch Motor Co	1,653.85
Bob's Auto Body and Paint	4,327.57
Bottling Group, LLC	606.42
Pepsi Cola Metropolitan Bottling Company, Inc.	
Pepsi Cola Bottling Company of Denver	
Pepsi Cola Bottling Co. of Colorado	
Boulder Auto Body	3,500.64
Broomfield Auto Body	826.91
Broomfield Industrial Painting, Inc	13,203.21
Brunson Instrument Company	1,019.87
Burt Chevrolet/LGC Management, Inc	7,056.41
Burt Subaru/LGC Management, Inc	5,237.18
Carlin Dodge	3,721.15
Carriage Shoppe, Inc. (rank #102)	4,630.77
Carriage Shoppe, Inc. (rank #255)	799.35
Cherry Creek Dodge	3,776.27
Clyde's Auto Body	1,212.81
Cobe—Lakewood	1,019.87
Colorado Anodizing n/k/a Lincoln Plating Co	6,702.19
Colorado Chrysler Plymouth	5,071.80
Colorado Coach Co	6,036.54
Colorado State Highway Department	4,713.47
Continental Volkswagen, Inc	909.61
Continental Body Shop	
Copper Mountain Inc	882.05
Cratos Holdings, LLC	2,756.40
W.S. Tyler, Incorporated	
R.J. Dick, Inc.	
Hewitt-Robins Corp.	
Dave's T&D Auto Body, Inc	1,102.57
Davidson Chevrolet	7,293.46
Dellenbach Chevrolet	3,417.96
Denver Metal Finishing	7,910.90
Denver Police Garage, The	551.28
Diamond Auto Body	2,811.54
Diematics Inc	1,212.81
Don Massey Cadillac	7,083.97
Dow Chemical Company, The	9,976.87
Easter-Owens Manufacturers	11,053.20
Electro Painter	1,736.55
EMCO (Engineering Measurements Company)	1,929.49
Engineering Measurements	
EMCO	
Emerson Electric Co	23,126.28

ADMINISTRATIVE ORDER ON CONSENT DE MINIMIS SETTLEMENT—Continued
[EPA Docket No. CERCLA–8–2001–06]

Western Forge Corporation	
Exabyte Corporation	606.42
Fender Menders—Fort Collins	5,512.82
Fischer Imaging Corporation	6,863.47
Forenco, Inc	18,743.59
Federal Envelope	
Friendly Ford, Inc./Chesrown Automotive Group	2,480.76
Front Range Plating	16,637.70
Galaxie Auto Body	7,993.58
Gates Corp., The	38,782.68
Gates Energy Products, Inc.	
General Cable Co	6,560.25
George McCaddon Cadillac	2,287.82
Gittelman Properties	1,460.89
Gold Star Auto Body	3,059.62
Goldberg Brothers	3,368.33
Goodman Buick/GMC	5,457.70
Great Lakes Chemical Corporation	
West Lafayette Corporation f/k/a E/M Lubricants	27,729.48
Greenwood Village, City of	2,844.61
Hauser Chemical Research	1,212.81
Hazen-Quinn Process Equipment Co/Hazen Research	551.28
Hollister Motor Co	9,096.16
Hussmann Corporation	551.28
James Drilling Company	1,653.85
Jerry Roth Chevrolet, Inc	3,373.84
Jim Blum Oldsmobile/GMC	1,957.05
Karle Coachwork, Inc	826.91
Karosserie Fabric Auto Body	3,583.33
Kelly-Moore Paint Co. of Colorado	3,032.06
L and H Garage	1,929.49
La Nouvelle Fine Cleaners	995.07
B&K Cleaners	
La Nouvelle Fine Cleaners	
Laber's Tin Lizzie	1,653.85
Lectra Products Co	6,240.52
Len Lyall Chevrolet, Inc	5,016.66
Linotype Company	633.98
Littleton Auto Body	1,901.93
Longmont, City of	12,624.35
Luby Chevrolet Company	2,960.38
Mahnke Auto Body, Inc	2,591.02
Majestic Metals Company, Inc	5,678.20
Marco Shipyard	1,212.81
Mattocks Brothers Autobody, Inc	3,142.30
MAXCOR Manufacturing, Inc./Qualtek, Inc	1,378.21
May D & F	441.02
Metron Inc	633.98
Microsemi Corp. of Colorado	24,421.79
Microsemi Corp./Coors Components, Inc.	
Microsemi Corp. of Colorado	
Midwest Auto Body, Inc	578.86
Mike Naughton Ford, Inc	6,190.89
Mountain States Volkswagen	1,460.89
National Wire & Stamping	606.42
NER Data Products, Inc., a Hagro Company	551.28
New Coleman Holdings, Inc	3,748.71
Coleman Cutlery Co.	
Western Cutlery Co.	
Pease Industries, Inc	27,894.86
Pepsi Cola Bottling Co. of Colorado	606.42
Pike Tool & Grinding	7,166.67
Pioneer Painting/Pioneer Industries, Inc	606.42
Prestige Porsche/Audi	7,056.41
ProCoat Systems, Inc	523.72
Products for Industry, Inc	2,094.87
Purifoy Chevrolet Co	1,670.38
Quality Metal Products, Inc	3,886.53
Ramsey Auto Body, Inc	2,265.78
Raytheon Aircraft Company	4,096.03
Beech Aircraft Corporation	
Red Noland Cadillac	7,056.41
Regional Transportation District	10,132.56
Reynolds Olds-Cadillac, Subaru, Inc	882.05
Rocky Mountain Paint & Body, Inc	4,685.91
Rosemont Pharmaceutical Corporation	4,796.15
Pharmaceutical Basics, Inc. (PBI)	
Sachs Lawlor	1,019.87
Sam's Automotive Reconditioning Centers	6,174.36
Scott's Liquid Gold, Inc	551.28
Serpentix Conveyor Corporation	1,653.85
Sherwin-Williams Company, The	6,064.10
Sill-TerHar Ford	7,276.93
Stanley Aviation Corporation	7,635.27

ADMINISTRATIVE ORDER ON CONSENT DE MINIMIS SETTLEMENT—Continued
[EPA Docket No. CERCLA–8–2001–06]

Super Vacuum Manufacturing Company, Inc	8,214.10
Suss Pontiac GMC	8,103.84
TDY Industries, Inc	1,571.15
Teledyne Densco	
T.H. Pickens Technical Center	5,512.82
Team Chevrolet	8,820.52
Terracon, Inc	441.02
Empire Labs	
Tom's Body Shop, Inc	2,497.30
Turner Chevrolet	551.28
Weber Auto Body	1,929.49
Wells Fargo Bank, N.A. f/k/a First Interstate	3,440.00
Bank of Denver, N.A., as Trustee of the Robert A. Mitchem Testamentary Trust; and Wells Fargo Bank, N.A. f/k/a First Interstate Bank of Denver, N.A.	
Robert A. Mitchem Testamentary Trust	
Williams Chevrolet	6,692.56
Total Amount for Settling Respondents	$640,379.10
Settling Federal Parties	
U.S. Army—Fitzsimmons Medical Center	$ 8,881.15
U.S. EPA	13,528.45
U.S. Federal Highway Administration	5,882.18
U.S. Government Printing Office	25.00
Total Amount for Settling Federal Parties	$28,316.78

By the terms of the proposed AOC for *de minimis* settlement, the settling parties will pay a combined total of $668,695.88 to the Hazardous Substance Superfund. This payment represents approximately 9.9% of the $6,748,001.01 in past and estimated future response costs ($3,028,001.01 in past response costs incurred through September 30, 2000, plus $3,720,000.00 for the estimated future work at the site). The money will be deposited into a special account which can be used to pay for future work at the Site. The settling parties manifested 121,978.059 gallons of hazardous substances to the Site. This amount represents approximately 7.81% of the 1,561,451.371 gallons of hazardous substances manifested to the Site by all generators, both *de minimis* and non-*de minimis*.

The amount that each individual PRP will pay, as shown above, was based upon the number of gallons of hazardous substances manifested to the Site. The total amount of settlement dollars owed by each party to the settlement was arrived at by adding their Base Amount to a Premium Amount. The cost per gallon of $4.32 was derived by dividing the estimated clean-up cost at the time of calculation of $6,748,001.01 by the 1,561,451.371 total gallons of hazardous substances manifested to the Site. The settling party's Base Amount was calculated by multiplying the cost per gallon by the number of gallons that party manifested to the Site. A fifty per cent (50%) premium on the estimated future response costs of $3,720,000 was calculated into each settling parties' payment.

To be eligible for the *de minimis* settlement, each PRP must have submitted a response to EPA's Request for Information, and must have contributed no more than 1% of the total volume of hazardous substances manifested to the Site.

It is so Agreed:

Dated: May 17, 2001.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, Region VIII.

[FR Doc. 01–13948 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6990–5]

Whalehead Beach Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a settlement with the Atlantic Research Corporation for past response costs pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the Whalehead Beach Superfund Site located in Corolla, Currituck County, North Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD-PSB), 61 Forsyth Street SW., Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: May 2, 2001.

James T. Miller,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–13944 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6985–5]

Proposed Modification to the NPDES General Permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed NPDES General Permit Reissuance.

SUMMARY: The Regional Administrator of Region 6 today proposes to modify the National Pollutant Discharge Elimination System (NPDES) general permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (No. GMG290000) for discharges from existing and new dischargers and New Sources in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category as authorized by section 402 of the Clean

Water Act, 33 U.S.C. 1342. The permit, reissued on April 19, 1999 and published in the **Federal Register** at 64 FR 19156, authorizes discharges from exploration, development, and production facilities located in and discharging to Federal waters of the Gulf of Mexico seaward of the outer boundary of the territorial seas off Louisiana and Texas. Discharges of produced water to Federal waters from facilities located in the territorial seas are also authorized. Through this modification, EPA proposes to include new authorizations to discharge drill cuttings produced using synthetic and other non-aqueous based drilling fluids and waste water used to pressure test existing piping and pipelines.

Only the proposed modification to the permit is being opened for comment. Existing conditions such as those authorizing the discharge of produced water and water based drilling fluids are not open for comment.

DATES: Comments must be received by August 3, 2001.

ADDRESSES: Comments should be sent to: Regional Administrator, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Comments may also be submitted via EMAIL to the following address: smith.diane@epa.gov

FOR FURTHER INFORMATION CONTACT: Ms. Diane Smith, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 665–7191.

A complete draft permit and/or a fact sheet more fully explaining the proposal may be obtained from Ms. Smith. In addition, the Agency's current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Smith 24 hours advance notice. Additionally, a copy of the proposed permit, fact sheet, and this **Federal Register** Notice may be obtained on the Internet at: http://www.epa.gov/earth1r6/6wq/6wq.htm

SUPPLEMENTARY INFORMATION:

Regulated Entities

EPA intends to use the proposed permit modification to regulate oil and gas extraction facilities located in the Outer Continental Shelf of the Western Gulf of Mexico, e.g., offshore oil and gas extraction platforms, but other types of facilities may also be subject to the permit. To determine whether your (facility, company, business, organization, etc.) may be affected by today's action, you should carefully examine the applicability criteria in Part I, Section A.1 of the draft permit. Questions on the permit's application to specific facilities may also be directed to Ms. Smith at the telephone number or address listed above.

The permit contains limitations conforming to EPA's Oil and Gas extraction, Offshore Subcategory Effluent Limitations Guidelines at 40 CFR part 435 and additional requirements assuring that regulated discharges will cause no unreasonable degradation of the marine environment, as required by section 403(c) of the Clean Water Act. Specific information on the derivation of those limitations and conditions is contained in the fact sheet. EPA Region 6 does not propose to change the existing limitations and conditions in the permit. It is, however, proposing minor wording changes to some of those requirements to enhance their clarity.

Region 6 proposes to authorize new discharges of drill cuttings which are generated using synthetic and other non-aqueous based drilling fluids. Those new drill cuttings discharges are proposed to be subject to limits and monitoring for: sediment toxicity, biodegradation, polynuclear aromatic hydrocarbons, formation oil contamination, and the percentage of drilling fluids retained on cuttings. In addition, the existing limits of: No free oil, cadmium and mercury in barite, no diesel, and suspended particulate phase toxicity are proposed to apply to cuttings generated using non-aqueous based drilling fluids. Discharges of seawater and freshwater which have been used to pressure test existing pipelines and piping, to which treatment chemicals have been added, are also proposed to be authorized. Those seawater and freshwater discharges are proposed to be subject to limitations on free oil, concentration of treatment chemicals, and acute toxicity. These new permit limitations will apply technology based limitations to drill cuttings discharges generated using non-aqueous based drilling fluids and miscellaneous discharges to which treatment chemicals such as biocides and corrosion inhibitors have been added. They will also ensure that those discharges meet Ocean Discharge Criteria under section 403(c) of the Clean Water Act.

Other Legal Requirements

Oil Spill Requirements

Section 311 of the CWA, ''the Act,'' prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges that are in compliance with NPDES permits are excluded from the provisions of section 311. However, the permit does not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by section 311 of the Act.

Endangered Species Act

The Environmental Protection Agency has evaluated the potential effects of issuance of this permit modification upon listed threatened or endangered species. Based on that evaluation, EPA has determined that authorization of the new discharges is not likely to adversely affect any listed threatened or endangered species. The proposal contains extensive controls to minimize the quantity and toxicity of discharged pollutants. While including limits which will minimize the discharge of toxic pollutants such as polynuclear aromatic hydrocarbons, cadmium, and mercury discharged with drill cuttings, the proposal also limits both the water column and sediment toxicity of the discharges. Limits to ensure that drilling fluids which are used will degrade relatively quickly are also contained in the proposal. Likewise, the proposed authorization of the new discharge of chemically treated sea water or fresh water which has been used to hydrostatically test existing piping and existing pipelines includes controls on the amount of treatment chemical used and toxicity of the discharge and prohibits the discharge of free oil. Requirements proposed for both these new discharges are consistent with Ocean Discharge Criteria (40 CFR part 125, subpart M) and ensure that sensitive marine species are protected.

Based on the available information and analysis of the discharges described in the Fact Sheet for this proposed modification EPA Region 6 has determined that authorization of the proposed discharges is not likely to adversely affect listed threatened or endangered species. EPA is seeking written concurrence from the National Marine Fisheries Service (NMFS) on this determination.

Ocean Discharge Criteria Evaluation

For discharges into waters of the territorial sea, contiguous zone, or oceans CWA section 403 requires EPA to consider guidelines for determining potential degradation of the marine environment in issuance of NPDES permits. These Ocean Discharge Criteria (40 CFR part 125, subpart M) are intended to ''prevent unreasonable degradation of the marine environment and to authorize imposition of effluent

limitations, including a prohibition of discharge, if necessary, to ensure this goal'' (45 FR 65942, October 3, 1980). EPA Region 6 has previously determined that discharges in compliance with the Western Gulf of Mexico Outer Continental Shelf general permit (GMG290000) will not cause unreasonable degradation of the marine environment. Since this proposed modification contains limitations which will protect water quality and in general reduce the discharge of toxic pollutants to the marine environment, the Region finds that discharges proposed to be authorized by the modification to the general permit will not cause unreasonable degradation of the marine environment.

Coastal Zone Management Act

EPA has determined that the activities which are proposed to be authorized by this permit modification are consistent with the local and state Coastal Zone Management Plans. The proposed permit and consistency determination will be submitted to the State of Louisiana and the State of Texas for interagency review at the time of public notice.

Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. In addition the MPRSA establishes Marine Sanctuaries Program, implemented by the National Oceanographic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values. Pursuant to the Marine Protection and Sanctuaries Act, the National Oceanographic and Atmospheric Administration has designated the Flower Garden Banks, an area within the coverage of the OCS general permit, a marine sanctuary. The OCS general permit prohibits discharges in areas of biological concern, including marine sanctuaries. Changes to the permit proposed today will not affect that prohibition.

State Water Quality Standards and State Certification

The permit modification does not authorize discharges to State Waters; therefore, the state water quality certification provisions of CWA section 401 do not apply to this proposed action.

Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that order. Guidance on Executive Order 12866 contain the same exemptions on OMB review as existed under Executive Order 12291. In fact, however, EPA prepared a regulatory impact analysis in connection with its promulgation of guidelines on which a number of the permit's provisions are based and submitted it to OMB for review. See 58 FR 12494.

Paperwork Reduction Act

The information collection required by this permit has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports).

Since this permit modification will not significantly change the reporting and application requirements which are required under the Western Gulf of Mexico Outer Continental Shelf (OCS) general permit (GMG290000), and the paperwork burdens are expected to be nearly identical. When it issued the previous OCS general permit, EPA estimated it would take an affected facility three hours to prepare the request for coverage and 38 hours per year to prepare discharge monitoring reports. It is estimated that the time required to prepare the request for coverage and discharge monitoring reports for the reissued permit will be the same and will not be affected by this action.

However, the alternative to obtaining authorization to discharge under this general permit is under an individual permit. The application and reporting burden of obtaining authorization to discharge under the general permit is expected to be significantly less than under an individual permit.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq,* requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. As indicated below, the permit modification proposed today is not a ''rule'' subject to the Regulatory Flexibility Act . EPA prepared a regulatory flexibility analysis, however, on the promulgation of the Offshore Subcategory guidelines on which many of the permit's effluent limitations are based. That analysis shows that issuance of this permit modification will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires Federal agencies to assess the effects of their ''regulatory actions'' on State, local, and tribal governments and the private sector. UMRA uses the term ''regulatory actions'' to refer to regulations. (*See,* e.g., UMRA section 201, ''Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law)'' (emphasis added)). UMRA section 102 defines ''regulation'' by reference to section 658 of Title 2 of the U.S. Code, which in turn defines ''regulation'' and ''rule'' by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines ''rule'' as ''any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law * * *''

NPDES general permits are not ''rules'' under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide ''an opportunity for a hearing.'' Thus, NPDES general permits are not ''rules'' for RFA or UMRA purposes.

EPA has determined that the proposed permit modification would not contain a Federal requirement that may result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year.

The Agency also believes that the permit would not significantly nor uniquely affect small governments. For UMRA purposes, ''small governments'' is defined by reference to the definition of ''small governmental jurisdiction'' under the RFA. (*See* UMRA section 102(1), referencing 2 U.S.C. 658, which references section 601(5) of the RFA.) ''Small governmental jurisdiction'' means governments of cities, counties, towns, etc., with a population of less than 50,000, unless the agency establishes an alternative definition.

The permit, as proposed, also would not uniquely affect small governments because compliance with the proposed permit conditions affects small governments in the same manner as any other entities seeking coverage under the permit. Additionally, EPA does not expect small governments to operate facilities authorized to discharge by this permit.

National Environmental Policy Act

When it was proposed, EPA determined that issuance of the now expired NPDES New Source General Permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico was a major Federal action significantly affecting the quality of the human environment. Thus, pursuant to the National Environmental Policy Act of 1969, evaluation of the potential environmental consequences of the permit action in the form of an Environmental Impact Statement (EIS) was required. The Minerals Management Service had previously examined the environmental consequences in their final EIS which was conducted for oil and gas lease sales 142 and 143 in the OCS Region of the Gulf of Mexico. EPA adopted that EIS and prepared a Supplemental EIS (SEIS) to allow for additional consideration and evaluation of potential impacts on air quality, water quality, including radium in produced water, and cumulative effects. The Final SEIS was completed in December 1994 and the Record of Decision was prepared and dated September 28, 1995. The Minerals Management Service has also subsequently examined the effects of these activities in EIS's for additional lease sales.

Modification of the NPDES general permit for New and Existing Sources in the Western Portion of the Outer Continental Shelf of the Gulf of Mexico will not result in any new impacts which were not subjected to NEPA analysis in either Mineral Management Service's EIS or the SEIS produced by EPA Region 6. All discharges proposed to be authorized by the permit were addressed in those NEPA Reviews. Thus EPA does not propose to prepare a supplemental environmental impact statement for this action.

Sam Becker,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 01–13947 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6989–7]

State and Tribal Water Quality Standards: Notice of EPA Approvals and Announcement of EPA Internet Repository

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document contains a listing of State and Tribal submissions of new or revised water quality standards that EPA approved during the period April 1, 1998 through May 30, 2000. Additionally, this notice contains a listing of Indian Tribes that obtained EPA approval to administer a water quality standards program during the same period. It also contains a list of EPA actions to promulgate or remove Federal water quality standards during the same period.

FOR FURTHER INFORMATION CONTACT: Cara Lalley, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Mail Code 4305, Washington, DC 20460; (202) 260–0314; *lalley.cara@epa.gov*; or see the EPA Regional Water Quality Standards Contacts table in **SUPPLEMENTARY INFORMATION** to contact your Regional Office.

SUPPLEMENTARY INFORMATION: This document contains a list of State and Tribal water quality standards adoptions and revisions which EPA approved during the period beginning on April 1, 1998 and ending on May 30, 2000. The most recent list was published on October 7, 1998 (63 FR 53911), reflecting State and Tribal submissions of new or revised water quality standards that EPA approved during the period September 1, 1995 through March 31, 1998.

For each EPA approval action, this document provides a reference to the State's or Tribe's regulations that contain the State and Tribal water quality standards, followed by the date of State and Tribal adoption and/or effectiveness, the date of EPA approval, and a brief description of EPA's approval. Additionally, this notice contains a listing of Tribes that have obtained EPA approval to administer a water quality standards program. It also contains a listing of federal water quality standards rulemakings.

This document does not include the following information: (1) The actual text of the water quality standards, (2) any exceptions or conditions that apply to EPA's approval, such as portions of the State and Tribal standards submissions on which EPA did not take action or EPA disapproved, (3) whether approvals were made subject to the results of consultation under the Endangered Species Act, (4) Tribal application materials submitted to EPA for authorization to administer the water quality standards program, or (5) the text of the federal water quality standards rulemakings. The text of a State's or Tribe's standards and copies of the approval letters may be obtained from the State's or Tribe's pollution control agency or the appropriate EPA Regional Office (See ''EPA Regional Water Quality Standards Contacts'' table). Proprietary publications such as those of the Bureau of National Affairs, Inc. also contain the text of State and Tribal water quality standards.

Due to recent changes in EPA's water quality standards regulations commonly referred to as the *Alaska Rule*, this will be the last list of water quality standard approvals published as a **Federal Register** notice. The *Alaska Rule* (published in the **Federal Register** on April 27, 2000 and effective as of May 30, 2000) requires that new and revised State and Tribal water quality standards be approved by EPA before they become effective for Clean Water Act purposes. Prior to the *Alaska Rule*, water quality standards were Clean Water Act-effective once they were adopted by states and authorized tribes, regardless of EPA approval. The new regulations replaced the requirement for an annual publication of EPA approvals (formerly contained at 40 CFR 131.21(d)) with the establishment of a repository of Clean Water Act-effective water quality standards (referred to as the Clean Water Act Water Quality Standards Docket in the *Alaska Rule* preamble). (See 65 FR 24641.) With this **Federal Register** notice, EPA is announcing the availability of the Internet version of this repository for all water quality standards effective under the Clean Water Act. The public may view the effective Federal, State, Territory, and Tribal water quality standards at http://www.epa.gov/ost/wqs. This Internet repository will be updated periodically to include new and revised water quality standards approved by EPA in the future.

In addition, EPA Regional offices continue to maintain hard copies of the effective water quality standards of the States and authorized Tribes within their jurisdiction. You may view hard copy versions of the effective water quality standards by contacting the appropriate Regional EPA Office (See ''EPA Regional Water Quality Standards Contacts'' table). With the availability of the effective State, Territory, and Tribal

water quality standards on EPA's web site and through EPA's Regional Offices, the **Federal Register** notice of EPA approvals is now redundant and unnecessary.

For further information on specific approval actions described in this notice, please contact the corresponding EPA Regional Office:

State	EPA regional office	EPA contact
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	EPA Region 1, 1 Congress Street, Suite 1100, CWQ, Boston, MA 02114–2023.	Bill Beckwith, 617–918–1544.
New Jersey, New York, Puerto Rico, Virgin Islands	EPA Region 2, 290 Broadway, New York, NY 10007	Wayne Jackson, 212–637–3807.
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.	EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029.	Denise Hakowski, 215–814–5726.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.	EPA Region 4, Water Division—15th Floor, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, GA 30303.	Fritz Wagener, 404–562–9267.
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	EPA Region 5, Water Division, 77 West Jackson Boulevard, Chicago, IL 60604–3507.	David Pfeifer, 312–353–9024.
Arkansas, Louisiana, New Mexico, Oklahoma, Texas	EPA Region 6, Water Division, 1445 Ross Avenue, First Interstate Bank Tower, Dallas, TX 75202.	Russell Nelson, 214–665–6646.
Iowa, Kansas, Missouri, Nebraska	EPA Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.	Ann Jacobs, 913–551–7930.
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	EPA Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466.	Bill Wuerthele, 303–312–6943.
Arizona, California, Hawaii, Nevada, American Samoa, Guam	EPA Region 9, Water Division, 75 Hawthorne Street, San Francisco, Ca 94105.	Gary Wolinsky, 415–744–1978.
Alaska, Idaho, Oregon, Washington	EPA Region 10, Water Division, 1200 Sixth Avenue, Seattle, WA 98101.	Lisa Macchio, 206–553–1834.

Water Quality Standards Approvals

EPA Region 1

Connecticut

Water quality standards for the State of Connecticut adopted pursuant to section 22a-426 of the Connecticut General Statutes.

Effective Date: October 22, 1997 and March 30, 1999.

EPA Action: Approval on September 17, 1999.

For the surface waters in the Housatonic and Southwest Coastal Basins, Connecticut reclassified ten waterbodies from Class AA to Class A, one waterbody segment from Class A to Class AA, and upgraded 11 coastal and marine waters from Class SB to Class SA.

Massachusetts

Water quality standards for the State of Massachusetts as adopted pursuant to the Massachusetts Water Quality Standards Regulations.

Adopted by the State: September 2, 1998.

EPA Action: Approval on September 10, 1998.

EPA's Boston Harbor enforcement case required that the Massachusetts Water Resources Authority (MWRA) design and construct facilities to reduce combined sewer overflows (CSO) to the Charles River. Massachusetts Department of Environmental Protection issued a temporary variance to water quality standards for those discharges remaining after the CSO control facilities are constructed. The two-year variance includes a number of requirements designed to ensure the implementation of CSO controls. The variance also requires the MWRA to participate in an extensive study of water quality problems in the Charles River.

Rhode Island

Water quality standards for the State of Rhode Island as adopted pursuant to the Department of Environmental Management's Water Quality Regulations.

Adopted by the State: March 25, 1999.

Effective Date: April 14, 1999.

EPA Action: Approval on January 26, 2000.

Rhode Island revised its surface water quality standards by upgrading the waters around the recently eliminated Fort Adams marine sewer outfall, and by revising its freshwater ammonia criteria.

Adopted by the State: August 6, 1997.

Effective Date: August 26, 1997.

EPA Action: January 15, 1999.

Rhode Island revised its surface water quality standards by: Clarifying that full ''goal'' uses of the Clean Water Act at Section 101(a)(2) are included in use classifications where appropriate; upgrading numerous waters to provide for primary contact recreation; including a narrative criteria for maintaining instream flow conditions; clarifying variance provisions; adopting freshwater dissolved oxygen criteria for protection of spawning and early life stages of cold water species; adopting a narrative nutrient criterion protecting marine waters and a numeric phosphorus criterion for certain fresh waters; adopting numeric criteria for protection of human health; revising its metals criteria for aquatic life protection; adopting a ''Tier 2.5 Special Resource Protection Water'' antidegradation provision; including an antidegradation implementation policy; adopting a partial use classification to accommodate waterbody segments that are unable to attain full Clean Water Act

Section 101(a)(2) ''goal'' uses due to combined sewer overflow discharges; removing the prohibition of certain new discharges to Class A and SA waters (and other waters that meet Class A and SA standards); and adopting site-specific criteria for certain metals applicable to specified segments of the Pawtuxet River.

Vermont

Water quality standards for the State of Vermont as adopted pursuant to Vermont state law at 3 V.S.A.

Adopted by the State: June 10, 1999.

Effective Date: July 2, 1999.

EPA Action: Approval on December 22, 1999.

Vermont revised its surface water quality standards by: Changing some of its terms/definitions; adopting a water conservation policy; adopting a riparian vegetation policy; adopting an important antidegradation provision; deleting a provision which caused concerns that indirect discharges of sewage could be exempt from the State's High Quality Waters and Outstanding Resource Waters antidegradation provisions; adopting additional narrative criteria concerning water quality within mixing zones; deleting an assumption that an ambient water quality criterion for a toxic pollutant was met in a waterbody if the concentration of that pollutant in a discharge was less than the analytical limit of detection; including conditions governing site-specific studies used to establish instream flow requirements for the protection of aquatic habitat and uses; including conditions specifically recognizing the need to control human induced water level fluctuations and high flows, in addition to human induced low flows, as necessary to protect uses; dividing Class A waters into Class A(1) Ecological and Class A(2) Water Supply; creating three Class B ''Water Management Types'' for future division of Class B waters; and adopting a narrative biological criteria for each use classification or management type.

EPA Region 2

New York

Water quality standards for the State of New York as adopted pursuant to Title 6 of the New York State Code of Rules and Regulations (6NYCRR) Parts 800–941.

Adopted by the State: May 31, 1996.

Effective Date: May 31, 1996.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the four New York City water supply reservoirs consist of the reclassification of all or portions of the Cannonsville, Neversink, Pepacton, and Schoharie Reservoirs from Class ''A'' to Class ''AA,'' such that all portions of these four reservoirs are now classified as Class ''AA.''

Adopted by the State: January 5, 1991.

Effective Date: January 5, 1991.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the Susquehanna River drainage basin consist of the reclassification of a total of 1,276 segments in the basin to higher classifications, including the upgrade of 1,229 segments from Class ''D.''

Adopted by the State: February 2, 1991.

Effective Date: February 2, 1991.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the Chemung River drainage basin consist of the reclassification of a total of 248 segments in the basin to higher classifications, including the upgrade of 209 segments from Class ''D.''

Adopted by the State: January 12, 1992.

Effective Date: January 12, 1992.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the Upper Hudson River drainage basin consist of the reclassification of a total of 857 segments in the basin to higher classifications, including the upgrade of 629 segments from Class ''D.''

Adopted by the State: May 23, 1991.

Effective Date: May 23, 1991.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the Lake Ontario drainage basin consist of the reclassification of a total of 606 segments in the basin to higher classifications, including the upgrade of 518 segments from Class ''D.''

Adopted by the State: May 23, 1991.

Effective Date: May 23, 1991.

EPA Action: Approval on February 18, 1999.

The amended surface water classifications for the Lake Erie/Niagara River drainage basin consist of the reclassification of a total of 333 segments in the basin to higher classifications, including the upgrade of 297 segments from Class ''D.'' The most significant result of these reclassification actions is the upgrade of the numerous segments in these drainage basins from Class ''D,'' which provides protection for fish survival, to higher classifications which are protective of both fish survival and fish propagation. The designated uses for the above-referenced segments are now fully consistent with the ''fishable/swimmable'' goals of the Clean Water Act. In those cases where NYSDEC has determined that a particular water body segment was unable to support fish propagation, and the Class ''D'' designation was retained, the State provided individual use attainability analyses (UAAs) to support these determinations.

New Jersey

Water quality standards for the State of New Jersey are adopted pursuant to: New Jersey Administrative Code 7:9B.

Adopted by the State: December 6, 1993.

Effective Date: December 6, 1993.

EPA Action: Approval on March 17, 2000.

New Jersey adopted revisions to several water body classifications based on trout fisheries data; designated the Rockaway River as a Category 1 water for antidegradation purposes; made numerous editorial/clarification changes; adopted provisions to set thermal criteria to restrict thermal dissipation in lakes, ponds and reservoirs classified as FW2–TP; adopted thermal criteria for estuaries; included wetlands in the definition of State waters; adopted a provision which will allow for the issuance of compliance schedules for water-quality based effluent limits; adopted a provision to prohibit mixing zones for bacterial indicators; revised the steady-state design flows for establishing critical low flows applicable to the attainment of acute and chronic aquatic life-based criteria, and carcinogenic and non-carcinogenic human health-based criteria; revised the State's steady-state design flows; and adopted chemical-specific numeric criteria for toxic pollutants of concern in the State.

EPA Region 3

Delaware

Water Quality Standards for the State of Delaware are contained in: 7 DE Code Section 6010, Surface Water Quality Standards.

Adopted by the State: July 15, 1999.

Effective Date: August 11, 1999.

EPA Action: Approval on December 2, 1999.

The State of Delaware adopted revisions to its surface water quality standards to address EPA's April 1998 disapproval. The State deleted intake credit and erosion/corrosion provisions, modified low flow waters language, and specified that its metals criteria are expressed as total recoverable.

District of Columbia

Water quality standards for the District of Columbia are contained in: Chapter 11 of Title 21 DCMR, Water Quality Standards of the District of Columbia.

Adopted by the District: January 12, 2000.

Effective Date: January 21, 2000.

EPA Action: Approval on April 18, 2000.

The District of Columbia revised its variance and mixing zone provisions, and adopted appropriate conversion factors for its metals criteria. These revisions addressed earlier disapprovals.

Pennsylvania

Water quality standards for the Commonwealth of Pennsylvania are contained in: Title 25, Environmental Protection, Department of Environmental Protection, Chapter 93. Water Quality Standards.

Adopted by the Commonwealth: December 20, 1994.

Effective Date: September 9, 1995.

EPA Action: Approval on May 28, 1998.

Pennsylvania revised a number of stream designations statewide (Chapter 93, section 93.9).

Adopted by the Commonwealth: August 20, 1996.

Effective Date: November 9, 1996.

EPA Action: Approval on June 3, 1998.

Pennsylvania revised a number of stream redesignations statewide (Chapter 93, section 93.9).

Adopted by the Commonwealth: July 15, 1997.

Effective Date: October 11, 1997.

EPA Action: Approval on June 3, 1998.

Pennsylvania revised a number of stream redesignations statewide (Chapter 93, section 93.9).

Adopted by the Commonwealth: May 19, 1999.

Effective Date: July 17, 1999.

EPA Action: Approval on March 17, 2000.

Pennsylvania revised its antidegradation regulation in response to EPA's 1994 disapproval. EPA's action approved the modifications to its Tier 1 and Tier 2 provisions.

West Virginia

Water quality standards for the State of West Virginia are contained in: Title 46, Legislative Rule, Environmental Quality Board, Series 1, Requirements Governing Water Quality Standards.

Adopted by the State: June 1, 1998.

Effective Date: July 1, 1998.

EPA Action: Approval on June 22, 1999.

West Virginia adopted revisions to its water quality standards for the state's mixing zone policy, site-specific criteria, variances, designated uses, and specific water quality criteria. EPA approved these revisions, many of which pertain to the removal of a number of site-specific criteria and variances.

EPA Region 4

Alabama

Water quality standards for the State of Alabama are contained in: Rules of Alabama Department of Environmental Management, Water Division, Water Quality Program, Chapter 335–6–10 (Water Quality Criteria) and Chapter 335–6–11 (Water Use Classifications for Interstate and Intrastate Waters).

Adopted by the State: June 8, 1999.

Effective Date: October 19, 1999.

EPA Action: Approval on February 9, 2000.

The State of Alabama adopted revisions to its water quality standards to reclassify the Outstanding Alabama Water designation for Tensaw River, Briar Lake, and Tensaw Lake.

Florida

Water quality standards for the State of Florida are contained in: Florida Administrative Code, Chapter 62–302 (Surface Water Quality Standards).

Adopted by the State: January 30, 1995.

Effective Dates: April 4, 1995 and April 12, 1995.

EPA Action: Approval on August 31, 1998.

Florida adopted revisions to its water quality standards to designate the Hillsborough Riverine system as an Outstanding Florida Water.

Adopted by the State: November 30, 1995.

Effective Date: November 30, 1995.

EPA Action: Approval on May 26, 2000.

Florida adopted revisions to its water quality standards to remove the aquatic life chronic criterion for marine waters for silver.

Effective Date: May 3, 1994.

EPA Action: September 16, 1999.

The Everglades Forever Act (EFA) provides a compliance schedule for the existing narrative criteria for nutrients in Florida water quality standards as applied to agricultural activities in the Everglades Agricultural Area (EAA). EPA approved that provision of the EFA as a change to water quality standards.

Georgia

Water quality standards for the State of Georgia are contained in: Rules and Regulations for Water Quality Control, Chapter 391–3–6–.03, Water Use Classification and Water Quality Standards.

Adopted by the State: October 21, 1998.

Effective Date: November 23, 1998.

EPA Action: Approval on July 15, 1999.

Georgia adopted revisions to its water quality standards including modified aquatic life chronic criteria for metals (i.e., from the total recoverable to dissolved concentration), and added acute dissolved criteria for the same metals.

Adopted by the State: April 23, 1997.

Effective Date: May 22, 1997.

EPA Action: Approval on May 19, 2000.

Georgia adopted revisions to its water quality standards including the modification of additional narrative turbidity criteria to protect the State's water bodies from impacts due to man-made activities.

Miccosukee Tribe of Florida

The Water Quality Standards are contained in: The Miccosukee Environmental Protection Code Subtitle B: Water Quality Standards for Surface Waters of the Miccosukee Tribe of Indians of Florida.

Adopted by the Tribe: December 19, 1997 and March 4, 1998.

Effective Date: December 19, 1997 and March 4, 1998.

EPA Action: Approval on May 25, 1999.

The Miccosukee Tribe adopted the initial Tribal Water Quality Standards for the Miccosukee's Federal Reservation including designated uses, supporting criteria, an antidegradation policy, and implementing provisions.

Mississippi

Water quality standards for the State of Mississippi are contained in: State of Mississippi Water Quality Criteria for Intrastate, Interstate, and Coastal Waters.

Adopted by the State: February 24, 1994 and November 16, 1995.

Effective Date: February 24, 1994 and November 16, 1995.

EPA Action: Approval on December 28, 1998.

Mississippi adopted revisions of state water quality standards based on its triennial review. Revisions include establishment of the water effects ratio for the derivation of site specific criteria, stream flow for the establishment of storm water permit limits, and adoption of dissolved numeric criteria for metals.

North Carolina

Water Quality Standards for the State of North Carolina are contained in: 15 NCAC 2B .0100 Procedures for Assignment of Water Quality Standards and .0200 Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina.

Adopted by the State: March 30, 1998.

Effective Date: May 1, 1996 and December 31, 1997.

EPA Action: Approval on September 21, 1998.

North Carolina adopted revisions to its water quality standards including revised recreational and water supply use designations.

Adopted by the State: February 1, 1999.

Effective Date: August 1, 1998.

EPA Action: Approval on September 10, 1999.

North Carolina adopted revisions to its water quality standards adding subcategories of recreational use, water supply use, high quality and outstanding resource water designations.

Seminole Tribe of Florida

Water quality standards for the Seminole of Florida are contained in: Seminole Tribe of Florida's Rules, Chapter B, Part 12, Water Quality Standards for Surface Waters.

Adopted by the Tribe: March 25, 1998.

Effective Date: March 25, 1998.

EPA Action: Approval on November 19, 1998.

The Seminole of Florida adopted revisions to its water quality standards to extend the protection of the Tribal Water Quality Standards to the Brighton Reservation.

South Carolina

Adopted by the State: May 8, 1998.

Effective Date: June 26, 1998.

EPA Action: Approval on May 26, 2000.

South Carolina adopted revisions to its water quality standards based on its triennial review, including allowance for a zone of initial dilution, defining allowable dissolved oxygen deficit in areas with naturally low dissolved oxygen, and updating toxics criteria.

Adopted by the State: May 8, 1998.

Effective Date: June 26, 1998.

EPA Action: Approval on September 21, 1998.

South Carolina adopted revisions to its water quality standards including redesignation of selected streams in the Little, Middle Saluda, Toxaway, Keowee, Oolenoy, South Pacolet, South Saluda, and Tugaloo river basins to Outstanding Resource Waters or to protect trout populations.

Tennessee

Water quality standards for the State of Tennessee are contained in: State of Tennessee Water Quality Standards, Rules of the Department of Environment and Conservation, Bureau of Environment, Division of Water Pollution Control Chapter 1200–4–3 General Water Quality Criteria and Chapter 1200–4–4 Use Classifications for Surface Waters.

Adopted by the State: June 22, 1999.

Effective Date: October 11, 1999.

EPA Action: Approval on March 14, 2000.

Tennessee adopted revisions to its water quality standards including: Additional high quality and outstanding resource water designations, addition of recreational use *E. coli* bacteriological criteria, fish and aquatic life criteria revisions for pH and mercury, recreation human health use criteria revisions for seven toxics, antidegradation revisions, and flow criteria.

EPA Region 5

Illinois

Water quality standards for the State of Illinois are contained in: 35 Illinois Administrative Code 302 and 304.

Adopted by the State: July 29, 1999

EPA Action: March 16, 2000.

Illinois adopted site specific criteria for chlorine and total suspended solids for the North Branch of the Chicago River.

Adopted by the State: June 25, 1999.

EPA Action: December 1, 1999.

Illinois revised its water quality criteria and implementation procedures for ammonia, and revised its water quality criteria for lead and mercury.

Michigan

Water quality standards for the State of Michigan are contained in: Department of Environmental Quality General Rules Part IV and Michigan Administrative Code 323.

Adopted by the State: April 5, 1999.

EPA Action: May 21, 2000.

Michigan updated its uses and revised its antidegradation policy for Lake Superior.

Ohio

Water quality standards for the State of Ohio are contained in: Ohio Administrative Code 3745.

Adopted by the State: July 22, 1999.

EPA Action: November 12, 1999.

Ohio updated the designated uses for its surface waters.

EPA Region 6

Arkansas

Water Quality Standards for the State of Arkansas are contained in: Regulation No. 2—Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

Adopted by the State: September 29, 1995.

Effective Date: November 27, 1995.

EPA Action: Approval on April 28, 1999.

Interim revision (due to a third party request): Arkansas deleted its domestic water supply use designation for Hurricane Creek and its tributaries, Holly Creek, Dry Lost Creek and its tributary, and Lost Creek. The State also revised its sulfate, chloride, and total dissolved solids criteria on Hurricane Creek and its tributaries, Dry Lost Creek and its tributary, Lost Creek, and the East Fork of the Saline River bifurcation. Holly Creek's chloride criterion was also revised.

Adopted by the State: March 27, 1998.

Effective Date: May 2, 1998.

EPA Approval: Approval on April 28, 1999.

Through this interim revision, Arkansas deleted the domestic water supply use designation for Horsehead Creek and its tributary, and revised the sulfate, chloride, and total dissolved solids criteria for Horsehead Creek and its tributary, and for Bayou Dorcheat.

Louisiana

Water quality standards for the State of Louisiana are contained in: Louisiana Administrative Code, Title 33, Part IX, Chapter 11.

Adopted by the State: April 20, 1998.

Effective Date: April 20, 1998.

EPA Action: Approval on August 13, 1998.

Through this interim revision, Louisiana established a seasonal recreational period for bacteria criteria.

Adopted by the State: November 20, 1998.

Effective Date: November 20, 1998.

EPA Action: Approval on January 7, 1999.

Louisiana revised its seasonal dissolved oxygen (DO) criterion for several waterbodies in the Mermentau River Basin (Bayou Nezpique, Bayou Plaquemine Brule, Bayou des Cannes, Mermentau River, Bayou Queue de Tortue, and Bayou Lacassine).

Adopted by the State: December 20, 1999.

Effective Date: December 20, 1999.

EPA Action: Approval on May 12, 2000.

In this triennial revision, Louisiana added definitions and updated criteria

for Dieldrin, Endrin, and Arsenic. A table listing conversion factors for dissolved metals was added. Citations and references were updated with a new section added to cite additional toxicity testing. Clerical errors were corrected in the table containing numeric criteria and designated uses. Four subsegments were consolidated into two subsegments. Four streams in the Mermentau River Basin were designated as naturally dystrophic waters with seasonal dissolved oxygen (DO) criteria (Bayou Blue, Castor Creek, Bayou Joe Marcel, and Bayou Mallet).

Oklahoma

Water Quality Standards for the State of Oklahoma are contained in: OAC 785:45, Oklahoma's Water Quality Standards.

Adopted by State: May 8, 1997.

Effective Date: July 7, 1997.

EPA Action: Approval on June 18, 1999.

In its triennial revision, Oklahoma changed its use designations, removed the arsenic criteria for protection of human health, and adopted dissolved metals criteria.

Adopted by State: March 10, 1998.

Effective Date: April 21, 1998.

EPA Action: Approval on March 3, 2000.

Oklahoma changed its use designations, established new definitions, clarified its antidegradation policy, and corrected clerical errors.

Adopted by State: March 9, 1999.

Effective Date: April 13, 1998.

EPA Action: Approval on March 23, 2000.

Oklahoma revised its definitions, expanded its antidegradation policy applicability, replaced equivalent terms with identical terms, and established an acute mixing zone policy.

Pueblo of San Juan

Water quality standards for the Pueblo of San Juan are contained in the Pueblo of San Juan Water Quality Code as adopted pursuant to Tribal Resolution 98–05.

Adopted by the Tribe: March 11, 1998.

Effective Date: March 11, 1998.

EPA Action: June 4, 1998.

This was a triennial revision for the Tribe which included updating aquatic life and human health criteria, conversion of dissolved metals, and adoption of criteria for *E. coli.*

EPA Region 7

Iowa

Water quality standards for the State of Iowa are contained in: 567 Iowa Administrative Code, Chapter 61, Water Quality Standards.

Adopted by the State: 17 separate actions between June 1990 and January 1997.

Effective Date: (of last revision) March 19, 1997.

EPA Action: Approval on July 1, 1999.

Through 17 separate water quality standards actions, Iowa substantially revised and restructured its designated uses category for Class B waters for 770 stream segments. The State of Iowa also adopted 112 water quality criteria for 61 pollutants to support both Class B and Class C uses.

Kansas

Water quality standards for the State of Kansas are contained in: Kansas Administrative Regulations, Title 28, Article 16, Section 28, Surface Water Quality Standards.

Adopted by the State: June 29, 1999.

Effective Date: July 30, 1999.

EPA Action: Approval on January 19, 2000.

Kansas substantially revised its antidegradation regulations to include the three levels of water quality protection specified in 40 CFR 131.12. The revisions to the antidegradation regulations resolved an outstanding disapproval. Kansas also revised its antidegradation implementation procedures to address many of EPA's 1998 disapprovals. Kansas revised its mixing zone policy to clarify mixing zone limitations and to allow for alternate mixing zones provided that the proposal is scientifically defensible and remains protective of designated uses. Kansas added a provision to allow for the development of alternate low flows provided that the proposed alternate low flow is scientifically defensible and that water quality criteria are not exceeded more often than once every three years. The state revised its recreational use terminology and added boating and mussel harvesting to the list of primary contact recreation activities. Kansas also substantially revised its water quality implementation procedures to address newly added provisions and to clarify existing procedures. The designated beneficial uses were upgraded for 24 stream segments and 34 lakes. In addition, 15 lakes and 36 wetlands were also added to the Kansas Surface Water Register. Kansas adopted 29 water quality criteria for 22 pollutants, which prompted EPA to remove Kansas from the National Toxics rule for several of these newly adopted pollutants. Lastly, the State of Kansas revised its site-specific criteria and variance procedures.

EPA Region 8

Colorado

Water quality standards for the State of Colorado are adopted by the Water Quality Control Commission (Commission) and are contained in the following State regulations:

- The Basic Standards and Methodologies for Surface Water. Regulation No. 31.
- Classifications and Numeric Standards for Arkansas River Basin. Regulation No. 32.
- Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12). Regulation No. 33.
- Classifications and Numeric Standards for San Juan River and Dolores River Basins. Regulation No. 34.
- Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins. Regulation No. 35.
- Classifications and Numeric Standards for Rio Grande River Basin. Regulation No. 36.
- Classifications and Numeric Standards for Lower Colorado River Basin. Regulation No. 37.
- Classifications and Numeric Standards for South Platte River Basin; Laramie River Basin; Republican River Basin; Smoky Hill River Basin (the South Platte Basin). Regulation No. 38.

Adopted by the State: July 11, 1994.

Effective Date: August 30, 1994.

EPA Action: Approval on May 5, 1998.

Revisions to the Rio Grande River Basin water quality standards were adopted for segments 8, 9, and 11 of the Closed Basin (Kerber Creek and its tributaries).

Adopted by the State: October 11, 1994.

Effective Date: November 30, 1994.

EPA Action: Approval on May 5, 1998.

Revisions to the Upper Colorado and North Platte River Basin water quality standards were adopted to extend the temporary modification for ammonia applicable to segment 6c of the Upper Colorado River Basin (unnamed tributary to Willow Creek).

Adopted by the State: January 10, 1995.

Effective Date: March 2, 1995.

EPA Action: Approval on May 5, 1998.

Revisions to the Basic Standards and Methodologies for Surface Waters were adopted to clarify the antidegradation rule and to update the human health-based numeric standards for organics. The chronic and ''chronic trout'' table value standards for silver to protect aquatic life were suspended for three

years pending completion of studies. Numeric standards for trihalomethanes were also adopted.

Adopted by the State: February 13, 1995.

Effective Date: March 30, 1996.

EPA Action: Approval on May 5, 1998.

Revisions to the South Platte River Basin water quality standards were adopted, including dissolved oxygen numeric standards to protect aquatic life applicable to Segment 15 of the Upper South Platte River Basin.

Adopted by the State: February 13, 1995.

Effective Date: March 30, 1996.

EPA Action: Approval on May 5, 1998.

Revisions to the Gunnison and Lower Dolores River Basin water quality standards were adopted to extend temporary modifications for cadmium and zinc applicable to segments 12 and 13 of the Upper Gunnison River Basin.

Adopted by the State: July 10, 1995.

Effective Date: August 30, 1995.

EPA Action: Approval on May 5, 1998.

Revisions to the water quality standards for South Platte, Lower Colorado, Rio Grande, Gunnison and Lower Dolores, San Juan and Dolores, Upper Colorado and North Platte, and Arkansas River Basins were adopted to suspend for three years any numeric standards for silver that were based on the chronic and ''chronic trout'' table value standards.

Adopted by the State: December 11, 1995.

Effective Date: January 30, 1996.

EPA Action: Approval on May 5, 1998.

Revisions to the South Platte Basin water quality standards were adopted to extend the temporary modifications for cadmium, manganese, zinc, and radium applicable to segment 5 of the Clear Creek Basin.

Adopted by the State: December 11, 1995.

Effective Date: January 30, 1996.

EPA Action: Approval on May 5, 1998.

Revisions to the Gunnison and Lower Dolores River Basin water quality standards were adopted to extend temporary modifications for cadmium and zinc applicable to segment 12 and 13 of Upper Gunnison River Basin.

Adopted by the State: December 11, 1995.

Effective Date: January 30, 1996.

EPA Action: Approval on May 5, 1998.

Revisions to the Upper Colorado and North Platte River Basin. Revisions were adopted to reaffirm the acute and chronic numeric standard for ammonia and extend the temporary modification for un-ionized ammonia for segment 6c of the Upper Colorado River Basin.

Adopted by the State: December 9, 1996.

Effective Date: January 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the Upper Colorado and North Platte River Basin water quality standards were adopted to make minor changes and correct typographical errors.

Adopted by the State: April 14, 1997.

Effective Date: May 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the South Platte River Basin water quality standards were adopted, including the dissolved oxygen numeric standards applicable to segment 15 of the Upper South Platte basin.

Adopted by the State: May 12, 1997.

Effective Date: June 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the South Platte River Basin water quality standards were adopted to make minor changes to temporary modifications, ambient-based standards, dissolved metal standards, and recreation uses and to correct typographical errors for eight segments.

Adopted by the State: May 12, 1997.

Effective Date: June 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the Rio Grande River Basin water quality standards were adopted for segments 9a and 9b of the Closed Basin (Kerber Creek), including revised numeric standards for cadmium and selenium and temporary modifications for cadmium, copper, manganese, zinc.

Adopted by the State: September 8, 1997.

Effective Date: October 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the Arkansas River Basin water quality standards were adopted to extend temporary modifications for manganese, iron, pH, aluminum, cyanide, and zinc applicable to Cripple Creek and Arequa Gulch.

Adopted by the State: November 3, 1997.

Effective Date: December 30, 1997.

EPA Action: Approval on May 5, 1998.

Revisions to the Upper Colorado and North Platte River Basin water quality standards were adopted to establish temporary modifications for iron and manganese on the Williams Fork River.

Adopted by the State: March 10, 1998.

Effective Date: April 30, 1998.

EPA Action: Approval on May 5, 1998.

Revisions to the Arkansas River Basin water quality standards were adopted to add a new segment 7 to the Fountain Creek Basin to include Willow Springs Pond # 1 and Willow Springs Pond # 2. Segment 7 was assigned warmwater Class 2 aquatic life, recreation Class 2 and agriculture designated uses and accompanying table value standards. The Commission also assigned human health standards based on water and fish ingestion and adopted a temporary modification for tetrachloroethylene.

Adopted by the State: February 13, 1995 and December 8, 1997.

Effective Date: March 30, 1995 and January 30, 1998, respectively.

EPA Action: Approval on March 6, 1995 and December 29, 1997, respectively.

Revisions were made to the classifications and numeric standards of segments located in the Upper Animas River Basin (San Juan and Dolores River Basin).

Adopted by the State: September 14, 1998.

Effective Date: October 30, 1998.

EPA Action: Approval on March 29, 1999.

Revisions were made to the classifications and numeric standards for segments of the Alamosa River and tributaries (Rio Grande River Basin).

Adopted by the State: December 6, 1993.

Effective Date: January 31, 1994.

EPA Action: Approval on July 14, 1999.

Revisions to the Basic Standards and Methodologies for Surface Waters provided a statewide numeric standard for diisopropylmethylphosphonate for the protection of the water supply designated use.

Adopted by the State: May 13, 1996.

Effective Date: June 30, 1996.

EPA Action: Approval on July 14, 1999.

Revisions were made to the classifications and numeric standards for the South Platte River Basin to extend the temporary modifications for segment 5 of Big Dry Creek.

Adopted by the State: April 13, 1998.

Effective Date: May 30, 1998.

EPA Action: Approval on July 14, 1999.

Revisions to the classifications and numeric standards for the Gunnison and Lower Dolores River basins corrected an error in the listing of table value standards and deleted the effective date for the chronic silver table value standard.

Adopted by the State: December 14, 1998.

Effective Date: January 30, 1999.

EPA Action: Approval on July 14, 1999.

Revisions were made to the classifications and numeric standards for the Gunnison and Lower Dolores River basins to extend the temporary modifications for various segments.

Adopted by the State: January 11, 1999.

Effective Date: March 2, 1999.

EPA Action: Approval on July 14, 1999.

Revisions to the Basic Standards and Methodologies for Surface Waters corrected errors in the regulation.

Adopted by the State: February 8, 1994 (Rio Grande Basin) and April 10, 1995 (San Juan and Dolores River Basins).

Effective Date: March 30, 1994 and May 30, 1995, respectively.

EPA Action: Approval for all basins on April 25, 2000.

Revisions were made to the classifications and standards applicable to the Rio Grande and San Juan and Dolores River basins. These revisions included: Water supply designated uses, numeric standards for the protection of water supply designated uses, numeric standards for the protection of fish consumption uses, recreation designated uses, and numeric standards for the protection of recreation designated uses. EPA also approved revisions to: agriculture designated uses, numeric standards for the protection of agriculture designated uses, aquatic life designated uses, numeric standards for the protection of aquatic life uses, and other revisions, including the adoption of temporary modifications and Use Protected classifications, and revisions that resulted in the re-segmentation, re-naming and consolidation of segments.

Adopted by the State: October 11, 1995 and October 14, 1998 (Arkansas River Basin).

Effective Date: November 30, 1995 and November 30, 1998, respectively.

EPA Action: Approval on May 5, 2000.

Revisions were made to: Water supply designated uses, numeric criteria for the protection of water supply designated uses, numeric criteria for the protection of fish consumption uses, recreation designated uses, and numeric criteria for the protection of recreation uses. EPA also approved revisions to: Numeric criteria for the protection of agricultural uses and aquatic life, aquatic life designated uses, and other revisions, including the adoption of temporary modifications, Outstanding Waters classifications, and Use Protected classifications, and revisions that resulted in the re-segmentation, re-naming and consolidation of segments.

Adopted by the State: July 14, 1997 (Gunnison and Lower Dolores Basin Revisions) and October 12, 1999 (Upper Colorado and North Platte Basin Revisions).

Effective Date: August 30, 1997 and November 30, 1999, respectively.

EPA Action: Approval on May 5, 2000.

Revisions were made to: Water supply designated uses, numeric criteria for the protection of water supply designated uses, numeric criteria for the protection of fish consumption uses, recreation designated uses, and numeric criteria for the protection of recreation uses. EPA also approved revisions to: Agriculture designated uses, numeric criteria for the protection of agriculture and aquatic life uses, aquatic life designated uses, and other revisions, including the adoption of temporary modifications, Outstanding Waters and Use Protected classifications for individual segments, and revisions that resulted in the re-segmentation, re-naming and consolidation of segments.

Montana

Water quality standards for the State of Montana are contained in the State's Water Quality Act and the following regulations: Surface Water Quality Standards—Sub-chapter 6, including the numerical aquatic life criteria in WQB–7 (adopted and incorporated by reference in the water quality standards regulation); Mixing Zones in Surface and Ground Water—Sub-chapter 5; and Nondegradation of Water Quality—Sub-chapter 7.

Adopted by the State: December 1995.

Effective Date: February 12, 1996.

EPA Action: Approval on January 26, 1999.

Amendments were made to the surface water quality standards, Sub-chapter 6. The principal element addressed in this amendment was the development and adoption of Department Circular WQB–7. This document establishes the numerical criteria for toxic, carcinogenic and harmful parameters in water and lists criteria for the protection of human health and aquatic life.

Adopted by the State: December 1995.

Effective Date: February 12, 1996.

EPA Action: Approval on January 26, 1999.

This amendment to Sub-chapter 5 addressed adoption of a revised mixing zone provision, including a detailed implementation procedure.

Adopted by the State: August 11, 1997.

Effective Date: November 18, 1997.

EPA Action: Approval on January 26, 1999.

This amendment to Sub-chapter 7 addressed adoption of a revised nondegradation (antidegradation) and a detailed implementation procedure.

In addition, EPA's January 26, 1999 action approved the following elements of Montana's Water Quality Statute: (1) Definitions of: high-quality waters, outstanding resource waters, and state waters; and (2) provisions for: Future establishment of a new aquatic life classification for waters not supporting fish; future consideration of the economics of waste treatment and prevention in formulating and adopting standards; establishment of risk levels of 10^{-3} for arsenic, with a maximum no greater than EPA's maximum contaminant level for drinking water, and establishment of a risk level of 10^{-5} for other carcinogens; development of site-specific water quality standards, based on federal regulations, guidelines or criteria, upon application by a permit applicant, permittee or person potentially liable under any state or federal environmental remediation statute; adoption of temporary standards and conditions for granting temporary standards; a statement of basis for Outstanding Resource Waters and guidance for establishing rules for designating Outstanding Resource Waters; and (3) provisions for defining the following classes of activities as non-significant for nondegradation purposes: Existing activities that are nonpoint sources of pollution as of April 29, 1993 and activities that are nonpoint sources of pollution initiated after April 29, 1993; acceptable uses of agricultural chemicals; acceptable changes in existing water quality resulting from an emergency or remedial activity; acceptable land application of animal waste, domestic septage, or waste from public sewage treatment systems containing nutrients; acceptable incidental leakage of water from a public water supply system; acceptable short-term changes in existing water quality resulting from ordinary and everyday activities of humans or domesticated animals; allowable hazardous waste management facilities, solid waste management systems, motor vehicle wrecking facilities, and county motor vehicle graveyards; allowable maintenance, repair, or replacement of dams, diversions, weirs, or other constructed works that are related to existing water rights and that are within wilderness areas; and a description of any other activity that is non-significant because of its low potential for harm to human health or to the environment.

Adopted by the State: 1999 Session of the State Legislature.

Effective Date: May 10, 1999.

EPA Action: Approval on August 12, 1999.

Amendments were adopted to address EPA disapproval actions dated December 24, 1998 and January 26, 1999, including: Classes of activities that are considered non-significant for nondegradation review purposes; a new definition for degradation; Outstanding Resource Water classification rules, criteria, limitations and procedures; limits on short-term authorizations to emergency remediation activities and application of EPA-registered pesticides when those pesticides are used to control nuisance aquatic organisms or to eliminate undesirable and nonnative aquatic species; short-term water quality standards for turbidity; a provision describing when a discharge to surface water of ground water that is not altered from its ambient quality constitutes degradation and requires an NPDES permit.

South Dakota

Water quality standards for the State of South Dakota are contained in the State's Water Quality Standards Regulation, Chapters 74:51:01, 74:51:02, and 74:51:03.

Adopted by the State: April 29, 1997.

Effective Date: November 12, 1997.

EPA Action: Approval on August 25, 1998.

These amendments were adopted during South Dakota's triennial review of its water quality standards. The principal elements addressed in these amendments include: Updated numerical water quality standards for toxic pollutants for the protection of human health and aquatic life; language clarifying the provisions governing the in-zone quality for mixing zones; clarification that the low flow cutoff for low-quality fishery waters did not apply to the numerical standards for toxicants in Appendix B; repeal of the exemption of stream segments from fish life propagation categories; additional language clarifying application of the antidegradation provisions to outstanding state waters, including a process for nominating waters for this designation; repeal of variations in parameters found in samples; and upgraded classifications for a number of lakes and streams.

Adopted by the State: December 3, 1998.

Effective Date: January 27, 1999.

EPA Action: March 29, 2000.

These amendments were adopted by South Dakota to address elements of its water quality standards that were disapproved by EPA on August 25, 1998. The principal elements addressed in these amendments include: The definition of the wildlife propagation and stock watering beneficial use; clarification that both existing and designated uses are to be protected; completion requirements for a beneficial use analysis prior to renewing an existing permit or issuing a new permit to discharge to Class 9 waters; application of criteria to protect existing and attainable uses and application of numerical criteria to Class 9 waters where the discharge or presence of pollutants could reasonably be expected to interfere with existing and attainable uses of Class 9 waters; provisions governing the in-zone quality for mixing zones, including development of the Department's *Mixing Zone and Dilution Implementation Procedures, August 1998;* antidegradation provisions, including development of the Department's *Antidegradation Implementation Procedures, October 1998;* clarification that toxic pollutants can include the priority pollutants and any other toxic pollutants or substances determined by the Secretary to be of concern; upgraded the uses for a number of lakes and streams; and changed the uses for four lakes from ''cold water marginal'' to ''warm water permanent'' based on an analysis showing that the natural conditions and a change in the Department of Game Fish and Parks' fishery management policy preclude attainment of a cold water fishery.

Utah

Water quality standards for the State of Utah are adopted by the Water Quality Board (Board) and are contained in: *Standards of Quality for Waters of the State.* R317–2, Utah Administrative Code.

Adopted by the State: February 16, 1994; December 19, 1997; and March 17, 2000.

Effective Date: February 16, 1994; December 19, 1997; and March 17, 2000, respectively.

EPA Action: Approval on May 30, 2000 (Partial EPA Action taken on November 29, 1995).

Revisions were made to: Domestic water supply designated uses; numeric criteria for the protection of human health; recreation designated uses; and numeric criteria for the protection of recreation uses; antidegradation (317–2–3), including the creation of high quality waters—category 2 and high quality waters—category 3; mixing zones (317–2–5), including the size restrictions for mixing zones and the list of factors to be considered when making mixing zone decisions; use designations (317–2–6), including the removal of Class 6 and the creation of Class 5 and Class 3E; high quality waters (317–2–12), including the addition of Deer Creek to the list of high quality waters—category 2 and the addition of the Provo River to the list of high quality waters—category 3; classification of waters of the State (317–2–13), including the adoption of more stringent use designations for a number of segments; and numeric criteria (317–2–14), including the revised total residual chlorine criteria for all Class 3C waters and a portion of Mill Race.

Fort Peck Assiniboine and Sioux Tribes

Water quality standards are adopted by the Executive Board of the Fort Peck Tribes and are contained in: *Fort Peck Assiniboine and Sioux Tribes Water Quality Standards.*

Adopted by the Tribes: December 22, 1997.

EPA Action: Approval on April 25, 2000.

The Tribes adopted public water supply use designations, numeric water quality criteria for the protection of public water supply and fish consumption uses, recreation use designations, and numeric criteria for the protection of recreation uses. EPA also approved the following sections/appendices of the standards: Purpose and Authority (Section 1); Triennial Review (Section 2); Definitions (Section 3); Antidegradation Policy (Section 4); Narrative Water Quality Criteria (Section 5); Narrative Biological Criteria (Section 6); Water Quality Standards for Wetlands (Section 7); Designated uses (Section 8); Numeric criteria (Section 9); Mixing Zone and Dilution Policy (Section 10); Standards Implementation (Section 11); Analytical Methods (Section 12); Stream Beneficial Uses for the Fort Peck Indian Reservation (Appendix A); Fort Peck Numeric Water Quality Standards (Appendix B); Physical and Biological Criteria Table for the Fort Peck Indian Reservation (Appendix C); and Agricultural Uses Water Quality Standards (Appendix D).

Wyoming

Water quality standards for the State of Wyoming are contained in: Quality Standards for Wyoming Surface Waters, Water Quality Rules and Regulations, Chapter 1.

Adopted by the State: August 24, 1998 and March 7, 2000.

Effective Date: October 15, 1998 and March 9, 2000, respectively.

EPA Action: Approval on May 11, 2000.

These amendments were adopted to: Provide clarification on the prohibition of new or increased point source discharges to Class 1 waters, Wyoming's highest quality waters; create a new section for site-specific criteria; and revise certain numerical criteria.

EPA Region 9

Arizona

Water quality standards for the State of Arizona are contained in: Arizona Administrative Code Title 18, Chapter 11, Article 1.

Adopted by the State: March 22, 1996.

EPA Action: Approval on December 31, 1998.

The State revised portions of its water quality standards addressing the application of the standards to waste treatment systems, the Net Ecological Benefit rule and its implementation, antidegradation, narrative water quality criteria for bottom deposits and oil and grease, numeric standards and criteria for other pollutants, natural background, variances, and use designations.

California

The water quality standards for California are contained in separate Regional Board Water Quality Control Plans, as described below.

Effective Date: July 23, 1997.

EPA Action: Approval on October 9, 1998.

The Water Quality Control Plan for Ocean Waters of California (Ocean Plan) was amended by the State through revision of the Ocean Plan list of critical life stage protocols used in testing the toxicity of waste discharge, and minor changes in terminology to make the Ocean Plan easier to understand and implement.

Adopted by the State: September 27, 1993.

Effective Date: August 18, 1994.

EPA Action: Approval on May 2, 2000.

Revisions to the Water Quality Control Plan for the North Coast Region (Board 1) related to water quality standards included changes to antidegradation, beneficial uses, water quality criteria and implementation of those standards in surface waters.

Adopted by the State: July 20, 1995 and February 19, 1998.

Effective Date: November 13, 1995.

EPA Action: Approval on May 29, 2000.

Resolution numbers 97–076 and 98–014, containing revisions to the Water Quality Control Plan for the San Francisco Bay Basin (Regional Board 2), addressed antidegradation, beneficial uses, water quality criteria and implementation of those standards in surface waters.

Adopted by the State: May 19, 1994; November 17, 1994; and August 17, 1995.

Effective Date: March 3, 1995.

EPA Action: Approval on May 30, 2000.

State Board Resolutions 94–44, 94–115, and 95–53 amended the Water Quality Control Plan for the Central Coast Region (Board 3) by addressing antidegradation, beneficial uses, water quality criteria, and implementation of those standards in surface waters.

Adopted by the State: March 27, 1989; October 22, 1990; June 13, 1994; and January 27, 1997.

Effective Date: February 23, 1995.

EPA Action: Approval on May 26, 2000.

Portions of the 1989, 1990, 1994, and 1997 Water Quality Control Plans for the Los Angeles Region (Board 4) were revised to address antidegradation, beneficial uses, water quality objectives, specific criteria for site-specific determination of effluent limits, and the strategic planning and implementation of water quality standards for surface waters.

Adopted by the State: May 3, 1996.

Effective Date: January 10, 1997.

EPA Action: Approval on May 24, 2000.

State Board Resolution 96–078, the ''Grassland Amendments'' to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Regional Board 5), addressed antidegradation, beneficial uses, water quality criteria, and implementation of water quality standards for surface waters.

Adopted by the State: March 22, 1990.

Effective Date: September 25, 1995.

EPA Action: Approval on May 26, 2000.

State Board Resolution 90–28 reformatted and updated the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Regional Board 5) for the first time since its original adoption in 1975.

Adopted by the State: February 15, 1990.

Effective Date: September 25, 1995.

EPA Action: Approval on May 26, 2000.

State Board Resolution 90–20, regarding the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Regional Board 5), revised the pesticide objectives for inland surface waters covered by the Plan and new provisions regarding their implementation.

Adopted by the State: February 16, 1995.

Effective Date: May 9, 1995.

EPA Action: May 26, 2000.

State Board Resolution 95–12, regarding the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Regional Board 5), updated and reformatted the standards, and revised the beneficial uses, water quality objectives, and implementation programs.

Adopted by the State: July 20, 1995.

Effective Date: September 25, 1995.

EPA Action: Approval on May 26, 2000.

The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Regional Board 5) was revised to include compliance schedules in National Pollutant Discharge Elimination System (NPDES) permits under certain conditions.

Adopted by the State: November 15, 1995.

Effective Date: February 27, 1996.

EPA Action: Approval on May 29, 2000.

State Board Resolution 95–86 revised the Water Quality Control Plan for the Tulare Lake Basin (Regional Board 5)—Second Edition (1995), addressing antidegradation, beneficial uses, water quality criteria, and implementation of those standards in surface waters.

Adopted by the State: October 1994.

Effective Date: March 31, 1995.

EPA Action: Approval on May 29, 2000.

The Water Quality Control Plan for the Lahonton Region (Board 6), which was revised in September 1993, was amended again in October 1994 by State Board Resolution 95–3. The October 1994 Basin Plan sets forth the most recent water quality standards for surface and ground waters of the Region, which include both designated beneficial uses and the narrative and/or numerical objectives which must be maintained to protect those uses.

Adopted by the State: February 17, 1994.

Effective Date: August 3, 1994.

EPA Action: Approval on May 29, 2000.

State Board Resolution 94–18 revised the Water Quality Control Plan for the Colorado River Basin (Regional Board 7) by addressing the antidegradation policy, beneficial use designations, water quality criteria, and procedures for implementing surface water quality standards.

Adopted by the State: April 17, 1997.

EPA Action: Approval on December 27, 1999.

California adopted the ''1996 Review-Water Quality Standards for Salinity-Colorado River System Final Report'' (June 1996) and ''Supplemental Report''

(October 1996), and a plan to implement the salinity standards.

Adopted by the State: July 21, 1994 and July 17, 1997.

Effective Date: January 24, 1995.

EPA Action: Approval on May 30, 2000.

State Board Resolution 94–60 revised portions of the Water Quality Control Plan for the Santa Ana River Basin (Regional Board 8), addressing antidegradation, beneficial uses, water quality criteria, and implementation of water quality standards for surface waters.

Adopted by the State: September 8, 1994.

Effective Date: September 8, 1994.

EPA Action: Approval on May 29, 2000.

State Board Resolution 94–116, the Water Quality Control Plan for the San Diego Basin (Region Board 9), combined all the separate amendments made to the San Diego Basin Plan between November 1987 and October 1994.

Nevada

Water quality standards for the State of Nevada are contained in: Nevada Administrative Code (NAC), Water Pollution Control Provisions.

Adopted by the State: October 22, 1996.

Effective Date: August 17, 1998.

EPA Action: Approval on November 20, 1998.

NAC 445A.1915 made revisions to water quality standards for Lake Tahoe and selected tributaries.

Adopted by the State: June 17, 1998 and September 9, 1999.

Effective Date: August 17, 1998 and February 16, 2000, respectively.

EPA Action: Approval on May 2, 2000.

NAC 445A, 445A.121, 445A.194–445A.201 and 445A.213 revised the water quality standards for Las Vegas Wash and Lake Mead and clarified definitions in the State water pollution control regulations.

Adopted by the State: March 25, 1998.

Effective Date: August 17, 1998 (and an amendment on February 16, 2000).

EPA Action: Approval on March 28, 2000.

NAC 445A.194–197 and amendment 445A.143 added the ''1996 Review—Water Quality Standards for Salinity—Colorado River System Final Report'' (June 1996) and ''Supplemental Report'' (October 1996) to Nevada's water quality standards, as well as a plan to implement the salinity standards.

EPA Region 10

Alaska

Water quality standards for the State of Alaska are contained in: Alaska Administrative Code (AAC), Chapter 70 (identified in 18 AAC 70).

Adopted by State: January 30, 1998.

Effective Date: March 1, 1998.

EPA Action: Approval on April 6, 1998.

Alaska adopted site-specific criteria (SSC) for total dissolved solids for the aquaculture and aquatic life use categories for Gold Creek, north of Juneau Alaska. The site included Gold Creek from the Gold Creek drainage tunnel to Gastineau Channel.

Adopted by State: November 7, 1997.

Effective Date: December 12, 1997.

EPA Action: Approval on April 6, 1998.

Alaska adopted site-specific criteria (SSC) for total dissolved solids for the water supply (drinking water and aquaculture) and aquatic life use categories for Sherman and Camp Creeks in Juneau, Alaska. The site includes: Camp Creek below the discharge from the Kensington Mine dry tailings facility to tide water (approximately 1,000 ft) and Sherman Creek below the discharge of Kensington Mine adit drainage to tide water (approximately 1.5 miles).

Adopted by State: July 22, 1998.

Effective Date: July 22, 1998.

EPA Action: Approval on July 29, 1998.

Alaska adopted a site-specific criterion (SSC) for the aquatic life use for zinc. The site specific area includes the mainstem Red Dog and Ikalukrok Creeks. This SSC was based on data that are representative of the natural condition of these drainages.

Oregon

Water quality standards for the State of Oregon are contained in: OAR 340–41.

Adopted by State: January 11, 1996.

EPA Action: Approval on July 22, 1999.

EPA approved the following portions of the Oregon Water Quality Standards: dissolved oxygen, temperature (except for the criteria for the lower Willamette), pH, and bacteria. These standards were developed to protect different life history stages of salmonids, including threatened and endangered salmonid species.

Tribal Water Quality Standards Program Authorizations

Confederated Tribes of the Warm Springs Indian Reservation of Oregon

EPA Action: Approval on May 25, 1999

The Confederated Tribes of the Warm Springs Indian Reservation submitted an application to EPA requesting the authority to administer the Water Quality Standards program (section 303© of the Clean Water Act) and the Water Quality Certification program (section 401 of the Clean Water Act). This application was submitted to EPA, in accordance with Section 518 of the Clean Water Act, for treatment in the same manner as a state.

Federal Water Quality Standards Rulemakings

For purposes of informing the public, EPA is listing those federal water quality standards rulemakings taken pursuant to section 303(c)(4) of the CWA for the period of April 1, 1998 through May 30, 2000. For the full text of the rules, the reader is referred to the **Federal Register** notices cited.

Alaska

Date of Rule: April 1, 1998.

Reference: 62 FR 10140.

In 1992, EPA promulgated federal regulations (The National Toxics Rule) establishing water quality criteria for toxic pollutants for several states, including Alaska (40 CFR 131.36). One of the toxic pollutants included in that rule was arsenic. In this final rule, EPA withdrew the applicability to Alaska's waters of the federal human health criteria for arsenic.

District of Columbia, Idaho, Kansas, Rhode Island, Vermont

Date of Rule: April 12, 2000.

Reference: 65 FR 19659.

In 1992, EPA promulgated Federal regulations (the National Toxics Rule) establishing water quality criteria for toxic pollutants for several States, including Rhode Island, Vermont, the District of Columbia, Kansas and Idaho. These States have adopted, and EPA has approved, human health and aquatic life water quality criteria that are no less stringent than the Federal Criteria. Therefore, in this final rule, EPA amended the Federal regulations to withdraw certain human health and aquatic life criteria applicable to these States.

California

Date of Rule: May 18, 2000.

Reference: 65 FR 31681.

This final rule promulgated: Numeric aquatic life criteria for 23 priority toxic pollutants; numeric human health criteria for 57 priority toxic pollutants; and a compliance schedule provision which authorizes the State to issue schedules of compliance for new or revised National Pollutant Discharge Elimination System permit limits based on the federal criteria when certain conditions are met.

EPA promulgated this rule based on the Administrator's determination that numeric criteria are necessary in the State of California to protect human health and the environment. The Clean Water Act requires States to adopt numeric water quality criteria for priority toxic pollutants for which EPA has issued criteria guidance, the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses.

EPA promulgated this rule to fill a gap in California water quality standards that was created in 1994 when a State court overturned the State's water quality control plans which contained water quality criteria for priority toxic pollutants. Thus, the State of California was without numeric water quality criteria for many priority toxic pollutants as required by the Clean Water Act, necessitating this action by EPA. These Federal criteria are legally applicable in the State of California for inland surface waters, enclosed bays and estuaries for all purposes and programs under the Clean Water Act.

Dated: May 27, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–13943 Filed 6–1–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

May 23, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 5, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0411.

Title: Procedures for Formal Complaints Filed Against Common Carriers.

Form No.: FCC Form 485.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, federal government, and state, local or tribal governments.

Number of Respondents: 11,283.

Estimated Time Per Response: .50 hours to 20 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

Total Annual Burden: 16,966 hours.

Total Annual Cost: $6,600.

Needs and Uses: The information is filed pursuant to 47 CFR 1.720 *et seq.* is provided either with or in response to a formal complaint to determine whether there has been a violation of the Communications Act of 1934, as amended, or the Commission's Rules or Orders. Complainants file the FCC Form 485 to file a formal complaint with the Commission. The information is used to determine the validity of the complaint and to resolve the merits of disputes between parties. This information collection request was modified to add a pre-filing letter requirement.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–13893 Filed 6–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

May 23, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 3, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0629.

Title: Section 76.987 New Product Tiers.

Form Number: n/a.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 500.

Estimated Time Per Response: .5 hours.

Total Annual Burden to Respondents: The Commission estimates that approximately 500 NPT filings will be received each year. The average burden to cable operators to comply with this filing requirement is estimated to be .5 hours per filing. 500 filings × .5 hours = 250 burden hours. We estimate $17 per hour for individuals tasked with processing filings.

Total Annual Costs: $4,250 ($17 per hour × 250 filings per year = $4,250.)

Needs and Uses: Section 76.987(g) states that within 30 days of the offering of a new product tier (''NPT''), operators shall file with the Commission, a copy of the new rate card that contains the following information on their basic service tiers (''BSTs''), cable programming services tiers (''CPSTs'') and NPTs: (1) The names of the programming services contained on each tier, and (2) the price of each tier. Operators also must file with the Commission, copies of notifications that were sent to subscribers regarding the initial offering of NPTs. After this initial filing, cable operators must file updated rate cards and copies of customer notifications with the Commission within 30 days of rate or service changes affecting the NPT. The information collections are used by the Commission to verify compliance and to ensure that subscribers are given due notice of NPT offerings.

OMB Control Number: 3060–0313.

Title: Section 76.207 Political File.

Form Number: n/a.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,375.

Estimated Time Per Response: .25 hours.

Total Annual Burden to Respondents: The Commission estimates that approximately 5,375 cable systems in the nation will be required to keep a political file for an average of 4 candidates at an estimated recordkeeping burden of .25 hours per candidate, meaning 1 hour per cable system. 5,375 systems × 1 hour = 5,375 burden hours. We estimate an hourly wage of $18 per hour for individuals tasked with notification requirements.

Total Annual Costs: $96,750. (5,375 hours × $18 per hour = $96,750).

Needs and Uses: Section 76.207 requires every cable television system to keep and permit public inspection of a complete record (political file) of all requests for cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file.

OMB Control Number: 3060–0500.

Title: Section 76.607 Resolution of Complaints.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 11,365.

Estimated Time Per Response: 18 hours.

Total Annual Burden to Respondents: Based on Commission records, the average burden for cable systems to advise subscribers at least once each calendar year of the procedures for resolution of complaints is estimated to be one hour per system. In addition, the average burden for required recordkeeping is 17 hours annually per system. (18 hours × 11,365 cable systems = 204,570 hours).

Total Annual Costs: $3,477,690.

Needs and Uses: Section 76.607 requires cable system operators to advise subscribers at least once each calendar year of the procedures for resolution of complaints about the quality of television signals delivered. This information collection requests that records be maintained by cable system operators on all such subscriber complaints and resolution of complaints for at least a one-year period.

OMB Control Number: 3060–0501.

Title: Section 76.206 Lowest unit charge.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,375.

Estimated Time Per Response: 14 hours.

Total Annual Burden to Respondents: Pursuant to Section 76.206, we estimate that each cable system will make advertising rate disclosures to an average of 4 candidates. The average burden on systems to disclose this information is estimated to be .5 hours per candidate. 5,375 systems × 2 hours = 10,750 hours. Each cable system will calculate its lowest unit charge semi-annually with an average burden of 10 hours per system. 5,375 systems × 2 calculations per year × 10 hours per calculation = 107,500 hours. Systems are also required to periodically review their advertising records. We estimate 2 reviews per system throughout the election period, undergoing a burden of 2 hours per review. 5,375 systems × 2 reviews × 2 hours = 21,500 hours. Total burden to respondents for this information collection = 139,750 hours.

Total Annual Costs: $2,515.500.

Needs and Uses: Section 76.206 requires cable system operators to disclose and make available to candidates all discount privileges available to commercial advertisers. In addition, section 76.206 requires cable systems to disclose any station practices offered to commercial advertisers that enhance the value of advertising spots and different classes of time (immediately preemptible, preemptible with notice, fixed, fire sale, and make good). It also requires cable systems to calculate the lowest unit charge.

OMB Control Number: 3060–0560.

Title: Section 76.911 Petition for Reconsideration of Certification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, State, local or Tribal Government.

Number of Respondents: 45.

Estimated Time Per Response: 45.

Total Annual Burden to Respondents: 410 hrs.

Total Annual Costs: $26,120.

Needs and Uses: Cable television operators file petitions for reconsideration to challenge a franchising authority's certification. The Commission uses information derived from petitions for reconsideration of certification to resolve disputes concerning the presence or absence of effective competition in franchise areas and to determine whether there are grounds for denying franchising authority certifications to regulate rates.

OMB Control Number: 3060–0024.

Title: Section 76.29 Special temporary authority.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, State, local or Tribal Government.

Number of Respondents: 1.

Estimated Time Per Response: 3 hours.

Total Annual Burden to Respondents: 3.

Total Annual Costs: $122.00.

Needs and Uses: Section 76.29 permits flexibility as well as procedural specificity in applying for special deviations from Commission rules in situations requiring temporary and immediate action that would not be possible under the Commission's general rules. This benefit to the cable industry would not be possible if the Commission did not sponsor this information collection requirement.

OMB Control Number: 3060–0595.

Title: FCC Form 1210 Updating Maximum Permitted Rates for Regulated Cable Services and Equipment.

Form Number: FCC Form 1210.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 6,000.

Estimated Time Per Response: 25 hours.

Total Annual Burden: 54,000.

Total Annual Costs: $3,008,000.

Needs and Uses: The FCC Form 1210 is used by cable operators to file for adjustments in maximum permitted rates for regulated services to reflect external costs. Regulated cable operators submit this form to local franchising authorities or the Commission (in situations where the Commission has assumed jurisdiction). It is also filed with the Commission when responding to a complaint filed with the Commission concerning cable programming service rates and associated equipment.

OMB Number: 3060–0982.

Title: Implementation of LPTV Digital Data Services Pilot Project.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 14.

Estimated time per response: 0.25 hours–15 hours.

Frequency of Response: Recordkeeping, Third Party Disclosure, Reporting, on occasion, quarterly and annually.

Total annual burden: 672.

Costs to Respondents: $51,800.

Needs and Uses: This collection implements the provisions of the LPTV Pilot Project Digital Data Services Act (DDSA). The DDSA mandates that the Commission issue regulations establishing a pilot project pursuant to which specified LPTV licensees or permittees can provide digital data services to demonstrate the feasibility of using LPTV stations to provide high-speed wireless digital data service. The Commission is required to implement reporting requirements under the statute. The data collected will be used to ensure that the proposal will not cause interference to other authorized services and to evaluate the project.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–13894 Filed 6–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–1300]

Auction Filing Window for New Television Stations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces an auction filing window for a new analog television stations.

DATES: The window filing opportunity begins June 25, 2001, and closes June 29, 2001. Those wishing to participate in the auction, including those with pending applications for these stations, must file a short form application (FCC Form 175) by 5:30 p.m. Eastern Standard Time, June 29, 2001.

ADDRESSES: FCC Form 175 Filing, Auction No. 82, Federal Communications Commission, Wireless Telecommunications Bureau, Auctions and Industry Analysis Division, 1270 Fairfield Road, Gettysburg, PA 17325–7245.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released May 25, 2001. It does not include attachments. The complete text of the Public Notice, including attachments, is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov. The Mass Media Bureau and the Wireless Telecommunications Bureau announce an auction filing window for new analog television stations for the following channels and communities:

Ch.	City	State	File No. pending	Applicant
47	Columbia	SC	BPCT–19960722KG	Fant Broadcast Development, LLC.
51	Pittsfield	MA	BPCT–19960724LI	Pappas Telecasting of America.
34	Magee	MS	BPCT–19960920LS	Marri Broadcasting, LP.
16	Scottsbluff	NE	BPCT–19960111LO	Wyomedia Corporation.

The filing window will open on June 25, 2001 and close on June 29, 2001. As noted, for each of these stations, there is currently pending a long-form (FCC Form 301) application. Therefore, parties interested in filing for these stations should understand that it is likely that their application will be mutually exclusive with a previously-filed application and that selection among mutually exclusive applicants for these stations will be via the Commission's broadcast competitive bidding rules. *See* 47 CFR 73.5000 *et seq.*

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 01–14007 Filed 6–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 01–1311]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On May 30, 2001, the Commission released a public notice announcing the June 18–19, 2001, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

FOR FURTHER INFORMATION CONTACT: Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418–2320 or *dblue@fcc.gov*. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals II, 445 12th Street, SW., Suite 6A207, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: May 30, 2001.

The North American Numbering Council (NANC) has scheduled a meeting to be held Monday, June 18, 2001, from 1 p.m. until 5 p.m., and on Tuesday, June 19, 2001, from 8:30 a.m., until 5 p.m. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street, SW., Room TW–C305, Washington, DC.

This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Deborah Blue at the address under **FOR FURTHER INFORMATION CONTACT,** stated above.

Proposed Agenda

1. Approval of February 20–21, 2001, March 20–21, 2001, and April 17–18, 2001 meeting minutes
2. North American Numbering Plan Administrator (NANPA) Report
   —Status of 500/900 NRUF
   —Comparison of NRUF & Assigned Numbers Data
   —NPA Exhaust Projections (from NRUF)
3. Report of NANPA Oversight Working Group
   —2000 NANPA Performance Results
   —NANPA Performance Issues (if any)
   —NANPA Technical Requirements Status (due in Sept.)
4. Report of Numbering Resource Optimization (NRO) Working Group
   —Refined NANP-Exhaust Assumptions
   —State Pooling Trials (if any to report)
5. Review of current NANC Charter
6. CIC IMG Report
   —Review Report to FCC
7. Industry Numbering Committee Report
   —ATIS Tutorial on INC Structure
8. Steering Group Meeting
   —Table of NANC Projects
9. Steering Group Report
10. Report of NANP Expansion/Optimization IMG
11. Report of the Local Number Portability Administration (LNPA) Working Group
   —Wireless Number Portability Subcommittee
12. Report from NBANC
13. Report of Cost Recovery Working Group
14. Oversight of LLCs NPAC
15. Guidelines IMG Report
   —Finalize Operating Principles
16. Reseller CIC IMG Report
   —Final Report Transmitted to FCC
17. Action Items
18. Public Participation (5 minutes each, if any)
19. Other Business

Federal Communications Commission.

Diane Griffin Harmon,

Acting Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 01–13895 Filed 6–1–01; 8:45 am]

BILLING CODE 6712–01–P

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 June 28, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Raton Capital Corporation, Raton, New Mexico; to acquire 100 percent of the voting shares of Trinidad Capital Corporation, Trinidad, Colorado, and thereby indirectly acquire voting shares of International Bank, Trinidad, Colorado.

2. Trinidad Capital Corporation, Trinidad, Colorado; to become a bank holding company by acquiring 90 percent of the voting shares of International Bank, Trinidad, Colorado.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. County Bancshares, Inc., Orange, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Newton Bancshares, Inc., Newton, Texas, and thereby indirectly acquire voting shares of Newton Delaware Financial Corporation, Dover, Delaware, and First National Bank of Newton, Newton, Texas.

Board of Governors of the Federal Reserve System, May 30, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–13939 Filed 6–1–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF/CB–2001–02]

Announcement of the Availability of Financial Assistance and Request for Applications To Support Development and Delivery of the Infant Adoption Awareness Training Program

AGENCY: Administration on Children, Youth and Families, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Children's Bureau (CB) within the Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) and the Health Resources and Services Administration (HRSA) of the Department of Health and Human Services (DHHS) announce the availability of financial assistance and request for applications for the Infant Adoption Awareness Training Program (IAATP) for Fiscal Year (FY) 2001 under section 330F of the Public Health Service (PHS) Act, as amended by Title XII, Subtitle A, of the Children's Health Act (CHA) of 2000, Public Law 106–310, enacted October 17, 2000. The IAATP projects are designed to provide Federal financial assistance to adoption agencies that will provide training to designated staff of eligible health centers so that they will be able to provide adoption counseling and referrals to pregnant women. Grantee adoption agencies must agree to develop and implement curricula and provide training-of-trainers (TOT) programs based on their curricula, or grantees may employ alternative approaches to ensure that eligible health center designated staff are trained during the course of the cooperative agreement funded period.

CLOSING TIME AND DATE: The closing time and date for RECEIPT of applications is 4:30 p.m. (Eastern Time Zone) on July 20, 2001.

Mailed or hand-carried applications received after 4:30 p.m. on the closing date will be classified as late and not considered in the current competition.

Deadline: Mailed or hand-carried applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at:

Administration on Children, Youth and Families (ACYF), Operations Center, 1815 N. Fort Myer Drive, Suite 300, Arlington, Virginia 22209

The hours of operation are 8:00 a.m. to 4:30 p.m. (Eastern Time).

The phone number of the Operations Center is 1–800–351–2293.

Applicants are responsible for mailing applications well in advance to ensure that the applications are received on or before the deadline time and date. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Applications hand-carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the closing time and date.

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications that do not meet the above criteria are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (*e.g.,* floods or hurricanes) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center is available to answer questions regarding application requirements and to refer you to the appropriate contact person in ACYF for programmatic questions. The telephone number is 1–800–351–2293 or you may contact them by e-mail at *cb@lcgnet.com*

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts. Part I provides information on the Administration on Children, Youth and Families and Children's Bureau's statutory authority and available funds for the program covered in this announcement. Part II lists the programmatic priorities for which applications are being requested and provides general information. Part III provides information on the application, review, and funding process. The forms and general guidance to be used for submitting an application follow in Part IV. Please copy the forms as single-sided forms and use them in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

This announcement package is also available online at *http://www.acf.dhhs.gov/programs/CB* under Policy and Funding Announcements on the Children's Bureau Web site. The required Federal forms are available online at *http://www.acf.dhhs.gov/programs/ofs/grants/forms.htm*

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

Outline of Announcement

Part I: Background

A. General Information on the Administration on Children, Youth and Families and the Children's Bureau

The Administration on Children, Youth and Families (ACYF) administers national programs for children and youth, works with States and local communities to develop services that support and strengthen family life, seeks joint ventures with the private sector to enhance the lives of children and their families, and provides information and other assistance to parents. The concerns of ACYF extend to all children from birth through adolescence. Many of the programs administered by the agency focus on children from low-income families; abused and neglected children; children and youth in need of foster care, independent living, adoption or other child welfare services; preschool children; children with disabilities; runaway and homeless

youth; and children from Native American and migrant families.

Within ACYF, the Children's Bureau plans, manages, coordinates, and supports child abuse and neglect prevention and child welfare services programs. It administers the Foster Care and Adoption Assistance Program, the Child Welfare Services State Grants Program, Child Welfare Services Training Programs, the Independent Living Program, the Adoption Opportunities Program, the Abandoned Infants Assistance Program, programs supported by the Promoting Safe and Stable Families Act, the Court Improvement Program, and programs funded under the Child Abuse Prevention and Treatment Act (CAPTA), including Basic State grants, the child abuse and neglect discretionary program, the Community-Based Family Resource and Support Program, and the Children's Justice Act Program.

The Children's Bureau programs are designed to promote the safety, permanency, and well being of all children. Training activities such as these contribute to that effort.

B. Legislative Framework

This section provides an overview of legislation applicable to the training activity described in this program announcement. It addresses the Children's Health Act. It also briefly reviews other policies and rules pertaining to improving services to and outcomes for abused and neglected children, children in foster care, and children awaiting adoptive families.

Overview of the Children's Health Act

With the passage of Public Law 106–310, enacted October 17, 2000, the Congress emphasized the need to address children's health services, pediatric research, developmental disabilities, birth defects prevention, prenatal and postnatal care, and other activities regarding children's health and well being. Title XII, Subtitle A—Infant Adoption Awareness of the Children's Health Act (*http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws &docid=f:publ310.106.pdf*) authorized the U.S. Department of Health and Human Services (HHS) to make grants available to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women. In compliance with the legislation, HHS activities include the following:

- Establish and supervise a process through which adoption organizations and public health entity representatives collaborate to develop best-practice guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to women;
- Award grant funds to adoption organizations to develop training curricula, consistent with the best-practice guidelines;
- Ensure that adoption organizations conduct training for all eligible health centers; and
- Report to the appropriate committees of Congress evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers in order to determine the effectiveness of such training and the extent to which the training addresses the requirement to provide information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to women.

Multi-Ethnic Placement Act

Grantees should be familiar with the Multiethnic Placement Act (MEPA) as amended by the Interethnic Placement Act (Section 1808 of the Small Business Job Protection Act of 1996) which addresses the issue of race in foster care and adoption placements. Specifically, MEPA prohibits the delay or denial of any adoption or placement in foster care due to the race, color, or national origin of the child or the foster or adoptive parents and requires States to provide for diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children for whom homes are needed. Section 1808 of Pub. L. 104–188 affirms the prohibition against delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the foster or adoptive parents or the child involved [42 U.S.C. 1996b]. Training materials must encompass MEPA requirements.

Additional Information

The Children's Bureau's Web site (*http://www.acf.dhhs.gov/programs/cb*) provides a wide range of information and links to other relevant Web sites. Information readily available from the Children's Bureau Web site includes, but is not limited to, Final Rules published in the **Federal Register**, describing the child welfare outcome measures developed pursuant to the Adoption and Safe Families Act of 1997, monitoring activities pertaining to the Child and Family Services (CFS) reviews and Title IV–E eligibility, federally mandated information systems (*e.g.,* Adoption and Foster Care Analysis and Reporting System), and other publications and reports.

C. Statutory Authority Covering Discretionary Grant Programs in This Announcement and the Catalog of Federal Domestic Assistance (CFDA) Numbers

Infant Adoption Awareness: Section 330F of the PHS Act, as amended by Title XII, Subtitle A, of the Children's Health Act of 2000 [42 U.S.C. 201 note] CFDA: 93.254

D. Structure of Priority Area Descriptions

The priority area description found in section D is composed of the following sections:

Eligible Applicants: This section specifies the types of agencies and organizations eligible to apply under the particular priority area. Eligibility to compete in some priority areas is limited to particular applicant organizations. For this reason, and because eligibility varies depending on statutory provisions, it is critical that the 'Eligible Applicants' section of the priority area be reviewed carefully.

Only agencies and organizations, not individuals, are eligible to apply. One agency must be identified as the applicant organization and will have legal responsibility for the grant. Additional agencies and organizations can be included as co-participants, subgrantees, subcontractors, or collaborators if they will assist in providing expertise and in helping to meet the needs of the training recipients. Faith-based and community based organizations meeting the eligibility requirements may apply to be a grantee, or they may be included as co-participants, subgrantees, subcontractors, or collaborators if they will assist in providing expertise and in helping to meet the needs of the training recipients. For-profit organizations, that waive their profit, are eligible to participate as subgrantees or subcontractors with eligible nonprofit organizations under all priority areas where nonprofit organizations are the eligible applicants.

Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by providing a copy of the

applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the current valid IRS tax exemption certification, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is located.

Purpose: This section presents the basic focus and/or broad goal(s) of the priority area.

Background Information: This section briefly discusses the background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACYF is noted, where applicable.

Evaluation: This section presents the basic set of issues and specific information that will be evaluated in review of the application. Typically, they relate to the need for assistance, the results expected, project design, evaluation, community involvement, and organization and staff capabilities. Project products and materials, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, also will be evaluated. Inclusion and discussion of these items is important because the reviewers will use the information submitted by the applicant to evaluate the application against the criteria described in the evaluation section. The appropriateness of the budget to the goals of the project and reasonableness of costs also will be considered in the review process.

Project Duration: This section specifies the maximum allowable length of time for the project period. The term 'project period' refers to the total time a project is approved for support. Where appropriate, applicants may propose project periods that are shorter but not longer than the maximums specified in the priority area. The term 'budget period' refers to the interval of time (usually 12 months) into which a multiyear period of assistance is divided for budgetary and funding purposes.

For multiyear projects, continued Federal funding beyond the first budget period is dependent upon satisfactory performance by the grantee, availability of funds from future appropriations, and a determination that continued funding is in the best interest of the Government.

Federal Share of Project Costs: This section specifies the maximum amount of Federal support for the project for each budget period.

Matching or Cost Sharing Requirement: This section specifies the minimum non-Federal contribution required in relation to the maximum Federal funds requested for the project. Grantees must provide the non-Federal share, if required, of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. Cash or in-kind contributions may be used to meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so. However, applicants should propose only that non-Federal share they can realistically provide because, as a grantee, they must meet the proposed level of match support before the end of the project period. If approved for funding, grantees will be held accountable for the commitment of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects to be Funded: This section specifies the number of projects that ACYF anticipates funding under the priority area, subject to the availability of funds.

Length of Application: This section specifies the maximum allowable number of pages that will be reviewed. Please be advised that only the information within the specified page limitation will be reviewed and considered for funding.

CFDA Number: This number from the Catalog of Federal Domestic Assistance must be used in each application in Item 10 of the Standard Form 424 (Application for Federal Assistance).

E. Other Considerations

The Commissioner may give special consideration to applications proposing services of special interest to the Government and to achieve geographic distributions of awards. Applications of special interest may include, but are not limited to, applications focusing on unserved or inadequately served clients or service areas; programs addressing diverse ethnic populations; and research topics of particular importance. In making award decisions, ACYF may give preference to applications that focus on: substantially innovative strategies with the potential to improve theory and/or practice in child welfare, with an emphasis on adoption; a model practice or set of procedures that holds the potential for replication by organizations that administer or deliver foster care and/or adoption services and/or child protective services; substantial involvement (financial and/or programmatic) of the private sector, national, or State or community foundations; a favorable balance between Federal and non-Federal funds for the proposed project; or the potential for high benefit from low Federal investment. ACYF may also elect not to fund any applicants having known management, fiscal, reporting, programmatic, or other problems which make it unlikely that they would be able to provide effective services or effectively complete the proposed activity.

Part II: Priority Area

A. Priority Area List

2001E.1 Infant Adoption Awareness Training Program

B. Available Funds

The Administration on Children, Youth and Families proposes to award approximately 2 new cooperative agreements in fiscal year 2001 from the competition resulting from this announcement. The funding is approximately $9 million.

The size of the actual awards will vary. The Federal government may elect to fund applications in FY 2002 out of the pool of applications submitted under this announcement, subject to the availability of resources in FY 2002 and the number and quality of applications received.

C. Priority Area Description

2001E.1 Infant Adoption Awareness Training Program

Eligible Applicants: Eligibility is limited to private nonprofit national, regional, or local organizations among whose primary purpose is adoption and that are knowledgeable in all elements of the adoption process and on providing adoption information and referral to pregnant women.

Purpose: To award cooperative agreements to adoption organizations for the purpose of developing and implementing Infant Adoption Awareness Training Programs (IAATP) to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women. Adoption organizations (grantees) will be required to develop and implement curricula that are consistent with best-practices guidelines that will be provided to recipients pursuant to the award of the cooperative agreement. Adoption organizations

funded under this priority area will be required to develop and implement curricula to train staff at eligible health centers who provide or who, after training, will provide pregnancy or adoption information and referrals. The grantees will need to provide instruction on their curricula to trainers, who will provide training to health center staff. This instruction may be conveyed using training-of-trainers (TOT) courses or other mechanisms that provide continuity and consistency in the training for the instructors.

Note: A cooperative agreement is a specific method of awarding Federal assistance in which substantial Federal involvement is anticipated. A cooperative agreement clearly defines the respective responsibilities of the Children's Bureau and the grantee prior to award. The Children's Bureau anticipates that agency involvement will produce programmatic benefits to the recipient otherwise unavailable to them for carrying out the project. The involvement and collaboration includes Children's Bureau review and approval of planning stages of the activities before implementation phases may begin and Children's Bureau and recipient joint collaboration in the performance of key programmatic activities (i.e., strategic planning, implementation, information technology enhancements, training and technical assistance, publications or products, and evaluation). Close monitoring by the Children's Bureau of the requirements stated in this announcement that limit the grantee's discretion with respect to scope of services offered, organizational structure and management processes, coupled with close Children's Bureau monitoring during performance, in order to assure compliance with the intent of this funding, exceed those Federal stewardship responsibilities customary for grant activities.

Background Information:

Definitions

Title XII of the Children's Health Act of 2000, which pertains to the IAATP, defines the term ''adoption organization'' as a ''national, regional, or local organization among whose primary purposes are adoption; that is knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women; and that is a nonprofit private entity.''

The term ''designated staff'' pertains to staff at an eligible health center ''who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant).''

The term ''eligible health centers'' as defined in the legislation refers to ''public and nonprofit private entities that provide health services to pregnant women,'' and these entities are targeted for the receipt of training. These entities are not eligible to submit applications for funding under this program announcement to provide the training. There are approximately 3,000 entities that fit the definition of ''eligible health centers'' and are therefore eligible to receive training under the IAATP. Adoption organizations funded as IAATP providers make reasonable efforts to ensure that the eligible health centers offered and provided IAAT include those that receive grants under Section 1001 of the Public Health Services Act (PHSA) (relating to voluntary family planning projects); grants under Section 330 of the PHSA (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and grants under the PHSA for the provision of services in schools.

Specific Tasks To Be Performed by the Adoption Organizations Providing IAATP

The IAATP is designed to ensure that counselors in health clinics and other settings provide women who have unplanned pregnancies with complete and accurate information on adoption. Applicants are required to submit a program plan that clearly and concisely describes a strategy for developing IAATP curriculum, inviting designated staff of eligible health centers (including those funded under PHSA sections specified above) to training, scheduling training, planning and implementing IAATP sessions, and completing post-training activities (e.g., participant reimbursement and evaluation). The plan should indicate the number and qualifications of trainers and anticipated geographic areas in which health center staff training will be conducted.

Adoption organizations funded under this priority area will be required to cooperate fully in any and all evaluations of IAATP sponsored by the Department of Health and Human Services.

Travel for Conferences: Approximately four weeks after the award of the cooperative agreements, the project director, the curriculum designer and/or the training director for each IAATP will be required to attend a two-day conference in Washington, DC, sponsored by the Children's Bureau for IAATP awardees funded under this priority area. Attendees will become part of the membership of the IAATP Network. During this conference DHHS staff will review the best practice guidelines developed for the IAATP and discuss the implications for developing the curricula and related educational materials. Scheduling matters and plans for ensuring that the designated staffs of eligible health centers receive training during the three-year course of the cooperative agreement will be outlined and discussed. The Children's Bureau anticipates reconvening the IAATP Network annually for a two-day meeting in Washington, DC, at the beginning of the second and third project years.

Each budget plan should include funding for the three annual IAATP Network meetings in Washington, DC. Additionally, IAATP awardees will be required to provide funding to send the project director and the evaluator to an annual Children's Bureau grantees meeting.

Geographic Region: In the project narrative, applicants are required to describe the specific geographic region that will be served by the IAATP adoption organization. This section should include a justification for the selection of the region, based on, for example, geographic size or the number and types of eligible health centers in the area. The Children's Bureau will accept applications for projects of national, regional, or local scope. The rationale for the project scope must be justified in detail.

Curriculum Development: As stated above, applicants will be required to develop and implement training programs for the designated staff of the eligible health centers that provide adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

Within four months of the award of the cooperative agreement, grantees will be required to submit to the Children's Bureau an IAATP curriculum for review and approval that (a) Is competency-based, (b) conforms to professionally-recognized standards for curriculum format and style, (c) is consistent with the best-practices guidelines, required by the statute, (d) is pilot tested and appropriately modified, as necessary, before broad use, and (e) can be reliably evaluated. After review of the submitted curriculum, the Children's Bureau may require the grantee to make revisions before implementing the training.

In the narrative section of the application, applicants are advised to describe the strategies and processes that they will use to design a curriculum that is consistent with the IAATP guidelines. Because the IAATP guidelines are not currently available, it is not necessary for the applicant to present a tentative curriculum outline with descriptions of specific training modules. Rather, applicants are encouraged to present a description of

training approaches that may be used, methods for addressing cultural diversity, anticipated session length, and supplemental materials (participant handouts, visual aides, and other resources). Moreover, applicants are advised to demonstrate a familiarity with and understanding of professionally recognized standards and best practices pertaining to pregnancy counseling, supportive services and adoption services for adolescents and women with unplanned pregnancies.

Trainer Qualifications: CHA requires that adoption organizations sponsoring the IAATP agree to make reasonable efforts to ensure that the individuals who provide the program training are individuals who are knowledgeable in all elements of the adoption process and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located.

As part of the project narrative, applicants are advised to describe the methods that they will use to recruit, select, train and evaluate instructors who will provide the training to the designated staff of health centers. There are no geographic restrictions on where the prospective trainers may be trained or constraints on how the training is to be conducted. Therefore, applicants will be accorded flexibility in developing training programs for the instructors.

IAATP Implementation: Adoption organizations will be required to begin training of the designated staff of health centers at the beginning of the seventh month after the award of the cooperative agreement. In the project narrative, applicants are advised to specify the proposed geographic region for training of health center staff, the number of training sessions anticipated during each year of funding, and the number of health centers and designated staff to be trained.

To the extent possible, training of designated staff of the health centers is to be conducted in the geographic areas in which the centers are located. Adoption organizations will be required to cooperate and coordinate with the Children's Bureau and the other members of the IAATP Network in selecting sites for health center staff training and scheduling these events to ensure that geographic regions are neither over-served nor under-served. In the project narrative, applicants are encouraged to present a plan that may be used for informing eligible health centers of the availability and time and place of training.

Applicants are also encouraged to present a plan for the dissemination of adoption information that may be used in conjunction with the training or to supplement the training.

Adoption organizations will be required to provide reimbursement to health centers that are grantees funded under PHSA Sections 330 or 1001 for all costs incurred in obtaining training for the designated staff.

Applicants, in the project narrative, are encouraged to present a plan for an ongoing evaluation of the IAATP. The evaluation plan should be two tiered to address (1) Training processes, including the planning, content and quality of training and educational materials provided to health center staff, and methods for improving the program, and (2) participant satisfaction and training effectiveness, including how and the extent to which adoption information and referrals upon request are provided by health center staff.

Applicants that do not have the in-house capacity to conduct an objective, large-scale evaluation are advised to propose contracting with a third-party social sciences evaluator or a university or college to conduct the evaluation.

Evaluation: The following four criteria will be used to review and evaluate each application. The applicant should address each criterion in the project proposal. The point values (summing up to 100) indicate the maximum numerical weight each criterion will be accorded in the review process.

Criterion 1: Objectives and Need for Assistance (20 Points)

Grantees under this priority area, 2001.E1, will design and field-test a curriculum consistent with best practices guidelines, required by the statute, and provide training as part of the Infant Adoption Awareness Training Program (IAATP). Applicants will need to understand the purpose of section 330F of Title XII: Adoption Awareness of the Children's Health Act of 2000 and show how their approach to curriculum design and training implementation will contribute to achieving the legislative goals. Applicants must also demonstrate an understanding of the awareness, information and skills needed by the designated staff of eligible health centers, including grantees under Sections 330 and 1001 of the Public Health Services Act (PHSA) and grantees under the PHSA for the provision of services in schools. Applicants must also demonstrate an understanding of the information and service needs of adolescents and women with unplanned pregnancies.

Applicants should provide letters of commitment or Memoranda of Understanding from organizations, agencies and consultants that will be partners or collaborators in the proposed project. These documents should describe the role of the agency, organization or consultant and detail specific tasks to be performed.

Specific Review Criteria

(1) Extent to which the application reflects an understanding of the goals and objectives of IAATP and shows how their approach to curriculum design and training implementation will contribute to achieving the legislative goals;

(2) Extent to which the application clearly describes and documents the training needs of the designated staff of eligible health centers and demonstrates an understanding of the need for assistance to support and enhance existing curriculum and training efforts pertaining to adoption;

(3) Extent to which the application reflects a knowledge and understanding of the issues faced by adolescents and women with unplanned pregnancies and the importance of providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling;

(4) Extent to which the application reflects a knowledge and understanding of the legal framework of adoption, and adoption services and resources in the geographic area in which the proposed training will be conducted;

(5) Extent to which the application describes the specific benefits that the staff of the eligible health centers will derive from the proposed training;

(6) Extent to which the application clearly describes the benefits that clients of the eligible health centers will derive;

(7) Extent to which the application explains how the proposed curriculum and training will contribute to increased knowledge of the problems, issues, and effective strategies and best practices in the field;

(8) Extent to which the application reflects a knowledge and understanding of the challenges of developing IAATP curriculum and providing training to support and enhance the awareness, knowledge and skills of the designated staff of eligible health centers; and

(9) Extent to which the application presents a vision of the training-delivery systems to be developed, and discusses broad contextual factors that will facilitate or impede the implementation of this system.

Criterion 2: Approach (40 Points)

In this section, applicants are expected to define goals and specific, measurable objectives for the project. Goals and objectives should not be

confused. Goals are an end product of an effective project. Objectives are measurable steps for reaching goals.

Applicants are advised to describe a *preliminary,* yet appropriate, feasible plan of action pertaining to the scope of the curriculum and training and provide details on how the proposed training will be accomplished. If the project involves partnerships with other agencies and organizations, then the roles of each partner should be clearly specified.

Applicants are required to describe how IAATP will be evaluated to determine the extent to which it has achieved its stated goals and objectives. Applicants are expected to present a project design that includes detailed procedures for documenting project activities and results, including the development of a data collection infrastructure that is sufficient to support a methodologically sound and rigorous evaluation. The evaluation design is expected to include process and outcome analyses with qualitative and quantitative components.

This criterion consists of four broad topics: (1) Curriculum design, (2) training of trainers and implementation, (3) evaluation, and (4) dissemination.

Curriculum Design

Specific Review Criteria

(1) Extent to which the application reflects a familiarity with and understanding of professionally-recognized standards and best practices pertaining to pregnancy counseling, supportive services and adoption services for adolescents and women with unplanned pregnancies;

(2) Extent to which the proposed training goals, objectives and outcomes are clearly specified and measurable, and reflect an understanding of the characteristics of the training recipients and their clients and the context in which eligible health centers operate; and

(3) Extent to which the application presents an *approach* to the design of IAATP curriculum that (a) is competency based, (b) conforms to professionally-recognized standards for curriculum format and style, (c) is consistent with the best-practices guidelines, required by the statute, (d) is culturally-responsive to the diverse population of health center pregnancy counselors and their clients, (e) is pilot tested and appropriately modified, as necessary, before broad use, and (f) can be readily evaluated.

Training of Trainers and Implementation

Specific Review Criteria

(1) Extent to which the application clearly describes and provides a justification for the selection of the geographic region that will be served by the training, including the number and types of eligible health centers in the area;

(2) Extent to which the application presents an appropriate, feasible and realistic plan for scheduling and conducting the training, including the number of sessions anticipated during each year of funding, and the number of health centers and designated staff to be trained;

(3) Extent to which the application presents an appropriate, feasible and realistic plan for recruiting, selecting, and training individuals to provide training to designated staff at eligible health centers and ensuring that the selected trainers are knowledgeable in all elements of the adoption process and experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located;

(4) Extent to which the application provides an appropriate, feasible and realistic plan for documenting project activities and results, including the collection of data that can be used to describe and evaluate the training, the process used to disseminate information to eligible health centers about the availability of training, contact information, information on the number of trainings held, the number of participants by type of health center (federal funding grantee status, section 1001, section 330, etc.), and participant satisfaction with the training; and

(5) Extent to which the proposed project will establish and coordinate linkages with other appropriate agencies and organizations on the local, State or Federal level serving the target population.

Evaluation

Specific Review Criteria

(1) Extent to which the methods of evaluation are feasible, comprehensive and appropriate to the goals, objectives and context of the training, characteristics of training recipients and health center clients;

(2) Extent to which the applicant provides an appropriate, feasible and realistic plan for evaluating IAATP, including performance feedback and periodic assessment of program progress that can be used to modify the curriculum, as necessary, and serve as a basis for program adjustments;

(3) Extent to which the methods of evaluation include process and outcome analyses for assessing the effectiveness of program strategies and the implementation process;

(4) Extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the program and will produce quantitative and qualitative outcome data; and

(5) Extent to which the evaluation plan is likely to yield findings or results about effective strategies, and contribute to and promote evaluation research and evidence-based practices that may be used to guide replication or testing in other settings.

Dissemination

Applicants are required to describe the products that they will develop pursuant to IAATP. Products should include curricula, but may also include questionnaires, interview guides and other data collection instruments, software designed for the proposed program, Internet applications (i.e., Web postings, etc.), technical reports, journal articles, and a final report describing the target population, issues addressed, program design, implementation, outcomes and the results of the evaluation. Applicants should discuss the intended audiences for these products (e.g., adoption agencies, clients of eligible health centers, researchers, policy makers, and practitioners) and present a dissemination plan specifying the venues for conveying the information.

Specific Review Criteria

(1) Extent to which the application provides an appropriate, feasible and realistic plan for dissemination of curricula and related educational materials;

(2) Extent to which the intended audience is clearly identified and defined and is appropriate to the goals of the proposed program;

(3) Extent to which the program's products will be useful to each of these audiences;

(4) Extent to which the application presents a realistic schedule for developing these products, and provides a dissemination plan that is appropriate in scope and budget to each of these audiences; and

(5) Extent to which the products to be developed during the program are described clearly and will address the goal of dissemination of information and are designed to support evidence-based improvements of practices in the field.

Criterion 3: Organizational Profiles (25 Points)

Applicants need to demonstrate that they have the capacity to implement the proposed program. Capacity includes (1) experience with similar projects; (2) experience with the target population; (3) qualifications and experience of the project leadership; (4) commitment to developing and sustaining working relationships among key stakeholders; (5) experience and commitment of any consultants and subcontractors; and, (6) appropriateness of the organizational structure, including the management information system, to carry out the program.

This criterion consists of three broad topics: (1) Management plan, (2) staff qualifications, and (3) organizational capacity and resources.

Management Plan

Applicants are expected to present a sound and feasible management plan for implementing the proposed program. This section should detail how the program will be structured and managed, how the timeliness of activities will be ensured, how quality control will be maintained, and how costs will be controlled. The role and responsibilities of the lead agency should be clearly defined and, if appropriate, applicants should discuss the management and coordination of activities carried out by any partners, subcontractors and consultants.

Applicants should include a list of organizations and consultants who will work with the project, along with a short description of the nature of their contribution or effort.

Applicants are also expected to produce a timeline that presents a reasonable schedule of target dates, accomplishments and deliverables. The timeline should include the sequence and timing of the major tasks and subtasks, important milestones, reports, and completion dates. The application should also discuss factors that may affect project implementation or the outcomes and present realistic strategies for the resolution of these difficulties.

Specific Review Criteria

(1) Extent to which the management plan presents a realistic approach to achieving the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines and milestones for accomplishing project tasks;

(2) Extent to which the role and responsibilities of the lead agency are clearly defined and the time commitments of the project director and other key project personnel (including consultants) are appropriate and adequate to meet the objectives of the proposed project;

(3) Extent to which the application discusses factors that may affect the development and implementation of training and presents realistic strategies for the resolution of these difficulties; and

(4) Extent to which the applicant presents an appropriate, feasible and realistic plan for providing reimbursement to health centers that are grantees funded under PHSA Sections 330 or 1001 for all costs incurred in obtaining the training for designated staff.

Staff Qualifications

In this section, applicants must provide evidence that project staff have the requisite training, experience, and expertise to carry out the proposed curriculum development and training on time, within budget, and with a high degree of quality. Include information on staff knowledge of curriculum development, training implementation, the adoption field, and experience working with pregnancy counselors at health centers and women with unplanned pregnancies.

Brief resumes of current and proposed staff, as well as job descriptions, should be included. Resumes must indicate the position that the individual will fill, and each position description must specifically describe the job as it relates to the proposed project.

Specific Review Criteria

(1) Extent to which the proposed project director, key project staff and consultants have the necessary technical skill, knowledge and experience to successfully carry out their responsibilities; and

(2) Extent to which staffing is adequate for the proposed project, including administration, program services, data processing and analysis, evaluation, reporting and dissemination of curriculum, related educational materials and findings.

Organizational Capacity and Resources

Applicants must show that they have the organizational capacity and resources to successfully carry out the project on time and to a high standard of quality, including the capacity to resolve a variety of technical and management problems that may occur. If the proposal involves partnering and/or subcontracting with other agencies/organizations, then the proposal should include an organizational capability statement for each participating organization documenting the ability of the partners and/or subcontractors to fulfill their assigned roles and functions.

Specific Review Criteria

(1) Extent to which the applicant and partnering organizations collectively have experience in developing curricula and implementing training on the local and regional levels;

(2) Extent to which the applicant has experience in developing curricula and other educational materials incorporating best-practice guidelines on the provision of adoption information; and

(3) Extent to which the applicant has adequate organizational resources for the proposed project, including administration, program operations, data processing and analysis, evaluation, reporting and dissemination of findings.

Criterion 4: Budget and Budget Justification (15 Points)

Applicants are expected to present a budget with reasonable project costs, appropriately allocated across component areas and sufficient to accomplish the objectives. Consideration shall be given to project delays due to start-up when preparing the budget.

Applicants are expected to allocate sufficient funds in the budget to provide for the project director, the curriculum designer and/or the training director for the IAATP to attend an annual two-day IAATP Network conference in Washington, D.C. sponsored by the Children's Bureau. Applicants are expected to allocate sufficient funds in the budget to provide for the project director and evaluator to attend an annual three-day grantees' meeting in Washington, D.C. Attendance at these conferences is a grant requirement.

Specific Review Criteria

(1) Extent to which applicant demonstrates that the project costs and budget information submitted in Standard Forms 424 and 424A for the proposed program are reasonable and justified in terms of the proposed tasks and the anticipated results and benefits; and,

(2) Extent to which the fiscal control and accounting procedures are adequate to ensure prudent use, proper and timely disbursement and accurate accounting of funds received under this program announcement.

Project Duration: The projects will be awarded for a project period of 36 months. The project period will be 9/30/01–9/29/04. The initial grant award will

be for a 12-month budget period. The initial budget period will be 9/30/01–9/29/02. The award of continuation funding beyond each 12-month budget period will be subject to the availability of funds, satisfactory progress on the part of each grantee, and a determination that continued funding would be in the best interest of the government.

Federal Share of Project Costs: The maximum Federal share of the project is dependent on the scope of the project submitted. The Children's Bureau will accept applications for projects of national, regional, or local scope. Projects of national scope may not exceed $7,000,000 per budget period and smaller, regional projects may not exceed $1,500,000 per budget period. Regardless of scope, all applications must include reasonable budgets with proposed funding commensurate to the scope of work described in the application.

Matching or Cost Sharing Requirement: There is no matching requirement.

Anticipated Number of Projects to be Funded: It is anticipated that two projects will be funded.

Length of Proposal: The length of the proposal is limited to 50 pages, including all forms and attachments. Any pages over this number will be removed and will not be reviewed.

CFDA Number: 93.254.

Part III: The Application: Instructions, Review, and Funding Process

A. Application Format

To be considered for funding, each application must be submitted with the forms provided at the end of this announcement and in accordance with the guidance provided. The application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

To be considered for funding, each applicant must submit one signed original and two additional copies of the application, including all forms and attachments, to the Application Receipt Point as specified. The original copy of the application must have original signatures, signed in *black* ink.

The application must be typed, double spaced, printed on only one side, with at least ½ inch margins on each side and 1 inch at the top and bottom, using standard 12-point fonts (such as Times Roman or Courier). Pages must be numbered and each copy must be stapled securely in the upper left corner.

Pages over the page limit stated in with the priority area will be removed from the application and will not be reviewed.

All copies of an application must be submitted in a single package. The package must be clearly labeled for the specific priority area it is addressing.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures, or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review.

B. Application Content

Each application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424). Follow the instructions below and those that accompany the form.

In Item 5 of Form 424, include name, phone number, and, if available, email and fax numbers of the contact person.

In Item 8 of Form 424, check 'New.'

In Item 10 of Form 424, clearly identify the Catalog of Federal Domestic Assistance (CFDA) program title and number for the program for which funds are being requested as stated at the end of each priority area section.

In Item 11 of Form 424, identify the single Priority Area the application addresses.

In Item 12 of Form 424, identify the specific geographic area to be served.

In Item 14 of Form 424, identify Congressional districts of both the applicant and project.

2. Budget Information Non-Construction Programs (Form 424A) and Budget Justification. Follow the instructions provided and those in the Uniform Project Description. Note that Federal funds provided to States and services or other resources purchased with Federal funds may not be used to match project grants.

3. Certifications/Assurances. Applicants requesting financial assistance for nonconstruction projects must file the Standard Form 424B, 'Assurances: Non-Construction Programs.' Applicants must sign and return the Standard Form 424B with their applications. Applicants must provide a certification regarding lobbying when applying for an award in excess of $100,000. Applicants must sign and return the certification with their applications.

Applicants must disclose lobbying activities on the Standard Form LLL when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying. Applicants must sign and return the disclosure form, if applicable, with their applications.

Applicants must make the appropriate certification of their compliance with the Drug Free Workplace Act of 1988. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for an award. By signing and submitting the application, the applicant is providing the certification need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

If applicable, applicants must include a completed Form 310, Protection of Human Subjects.

If applicable, applicants must include a completed SPOC certification (Single Point of Contact) with the date of the SPOC contact entered in line 16, page 1 of the Form 424.

By signing the ''Signature of Authorized Representative'' on the SF 424, the applicant is providing a certification and need not mail assurances for completing the following grant and cooperative agreement requirements:

a. Collection of data on individuals served; types of services provided; types and nature of needs identified and met and any other such information as may be required by ACYF;

b. Compliance with all HHS regulations and procedures pertaining to confidentiality and careful handling of information on individuals, families and evaluation data; and, obtaining informed consent;

c. Participation in any evaluation effort supported by HHS;

d. Submission of all required reports in a timely manner, in recommended formats (to be provided), and that the final report will also be submitted on

disk or electronically using a standard word-processing program; and,

e. Attendance of a key staff person from the project at an annual 3-day grantees' meeting in Washington, DC.

4. Project Abstract/Summary (one page maximum). Clearly mark this page with the applicant name as shown on item 5 of the Form 424, identify the competitive grant Priority Area and the title of the proposed project as shown in item 11 and the service area as shown in item 12 of the Form 424. The summary description should not exceed 300 words.

Care should be taken to produce an abstract/summary that accurately and concisely reflects the proposed project. It should describe the objectives of the project, the approach to be used and the results or benefits expected.

5. Project Description. Applicants should organize their project description by the evaluation criteria listed in Part II under the priority area description and provide specific information that addresses all the components of each evaluation criterion.

Applicants should be mindful of the importance of preparing and submitting applications that are responsive to the priority area description and that use language, terms, concepts and descriptions that are generally known to and accepted by the field of child welfare. Refer to the Uniform Project Description in Part IV for general guidance on preparing a project description and budget justification.

C. State Single Point of Contact (E.O. 12372)

Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. The OMB list of SPOCs is included in Part IV section B below and available online. Submit a copy of the SPOC response, if available, with your application.

D. The Paperwork Reduction Act of 1995 (Public Law 104–13)

Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 12/31/2003.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

For more information please contact:

PA content and usage related, Vardrine Carter, OA/OFS/DGP, (202) 205–8398

OMB clearance related, Bob Sargis, OA/OIS/IRM, (202) 690–7275

If you have any further questions, please contact Larry Thompkins at (202) 260–5607.

E. The Screening, Review and Funding Process

Before a panel review, each application will be screened for applicant organization eligibility as well as to make sure the application contains all essential elements. Applications received from ineligible organizations and applications that are received after the deadline will be withdrawn from further consideration. Applicants will be notified if their applications are screened out.

A panel of at least three reviewers (primarily experts from outside the Federal government) will use the evaluation criteria included in the priority area description to evaluate the applications. The reviewers will determine the strengths and weaknesses of each application, provide comments and assign numerical scores.

All applications will be reviewed and evaluated using four major criteria: (1) Objectives and need for assistance, (2) approach, (3) organizational profiles, and (4) budget and budget justification. Each criterion has been assigned a point value. The point values (summing up to 100) indicate the maximum numerical weight each criterion will be accorded in the review and evaluation process. Within each criterion there is a listing of the specific review criteria that will be used to calculate the score for the criterion. The applicant should address each criterion and the specific review criteria in the project application.

The results of the competitive review are a primary factor in making funding decisions. In addition, Federal staff will conduct administrative reviews of the applications and, in light of the results of the competitive review, will recommend applications for funding to the ACYF Commissioner. ACYF reserves the option of discussing applications with other funding sources when this is in the best interest of the Federal government. ACYF may also solicit and consider comments from ACF Regional Office staff in making funding decisions.

The Commissioner, Administration on Children, Youth and Families, makes final decisions regarding the applications to be funded. Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant or cooperative agreement, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, if applicable, and the total project period for which support is contemplated.

The Commissioner will notify organizations in writing when their applications will not be funded. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made.

Grants will be reviewed in late summer 2001. FY 2001 grant awards will be made by the Department of Health and Human Services no later than September 30, 2001.

Part IV: Application Forms, Assurances, and Certifications

A. Project Description Overview

The following ACF Uniform Project Description has been approved under OMB Control Number 0970–0139. Applicants should prepare the project description statement in accordance with the following general instructions.

1. *Project Summary/Abstract:* Provide a summary of the project description (one page or less) with reference to the funding request.

2. *Objectives and Need for Assistance:* Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

3. *Approach:* Outline a plan of action, which describes the scope, and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors, which might accelerate or decelerate the work and

state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of program activities to be held, or appropriate measurable outcomes. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data are to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance might be needed prior to any ''collection of information that is conducted or sponsored by ACF.'' List organizations, cooperating entities, consultants, or other key individuals whom will work on the project along with a short description of the nature of their effort or contribution.

4. *Evaluation:* Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

5. *Organizational Profiles:* Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

6. *Budget and Budget Justification:* Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424. Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

6a. *Personnel:*

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, and wage rates. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

6b. *Fringe Benefits:*

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, and taxes.

6c. *Travel:*

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

6d. *Equipment:*

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

6e. *Supplies:*

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

6f. *Contractual:*

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000). Recipients might be required

to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

6g. *Other:*

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

6h. *Indirect Charges:*

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate application based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost applications may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

6i. *Program Income:*

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

B. Other Forms, Assurances, and Certifications

Standard Form 424: Application for Federal Assistance
Standard Form 424A: Budget Information
Standard Form 424B: Assurances—Non-Construction Programs
Certification Regarding Debarment
Certification Regarding Drug-Free Workplace
Form LLL: Disclosure of Lobbying
Certification Regarding Environmental Tobacco Smoke
State Single Point of Contact (SPOC) Listing

All forms are available online at: *http://www.acf.dhhs.gov/programs/ofs/grants/form.htm.*

The SPOC listing is available on line at *http://www.whitehouse.gov/omb/grants/spoc.html.*

Dated: May 29, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–13921 Filed 6–1–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Health Education Assistance Loan (HEAL) Program: Refinancing Loan Application/Promissory Note (OMB No. 0915–0227)—Revision—The HEAL Program allows borrowers who graduated or separated from school to refinance all of their HEAL loans into one new HEAL loan, often at better rates and terms than their original HEAL loans. The HEAL program originally provided new federally-insured loans to students in schools of allopathic medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, graduate students in health administration or clinical psychology through September 30, 1998. Eligible lenders, such as banks, savings and loan associations, credit unions, pension funds, insurance companies, State agencies, and HEAL schools are insured by the Federal Government against loss due to the borrower's death, disability, bankruptcy, and default. The basic purpose of the program was to assure the availability of funds for loans to eligible students who needed to borrow money to pay for their educational costs.

The HEAL refinancing loan application/promissory note is being used by lenders to refinance borrower's original HEAL loans into one new refinanced loan. Due to the success of this form and desire to reduce application processing time, many lenders have automated this form by and taking pertinent application information over the telephone and sending the completed form to the borrower for their review and signature.

The estimate of burden for the refinancing loan application/promissory note form per year is as follows:

Type of respondent	Number of respondents	Responses per respondent	Total number of responses	Burden per responses (minutes)	Total burden hours
Applicants	1,850	1	1,850	12	370
Lenders	9	206	1,854	30	927
Total	1,859		3,704		1,297

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 25, 2001.

Jane M. Harrison,

Director, Division, of Policy Review and Coordination.

[FR Doc. 01–13850 Filed 6–1–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

PRAC & PRAC–Y: Small Nuclear Proteins Found in Prostate and Colon Cancer, and Uses Thereof

Ira Pastan et al. (NCI)

DHHS Reference No. E–053–01/0, filed 09 Apr 2001

Licensing Contact: Richard Rodriguez; 301/496–7056, ext. 287; e-mail: rodrigur@od.nih.gov

Prostate cancer is the most commonly diagnosed cancer and the second leading cause of cancer death in males in the United States. Currently, there are no curative therapies available for this cancer and therefore, novel approaches are needed to treat this disease. The present invention claims a small, nuclear protein, PRAC (Prostate/Rectum And Colon Protein) that could be used to diagnose and/or treat prostate or colon cancers. In conjunction with the composition of matter claims, defined methods of use might include: (1) Immunogenic fragments to elicit T cell responses against cells that express PRAC; (2) gene therapy applications through the use of appropriate expression vectors containing the nucleic acid sequences of PRAC; (3) detection and potential staging of cancers expressing PRAC. These disclosed technologies could provide new and exciting methodologies to treat prostate and/or colon cancer.

Biologically Active Macrolides, Compositions and Uses Thereof

Michael R. Boyd (NCI), Kirk R. Gustafson (NCI), and Charles L. Cantrell (USDA)

DHHS Reference No. E–203–00/0, filed 24 Jul 2000

Licensing Contact: Elaine White; 301/496–7056, ext. 282; e-mail: gesee@od.nih.gov

The current invention embodies the identification of a novel class of potent vacuolar-type (H+)-ATPase-inhibitory compounds. Vacuolar-type (H+)-ATPases are present in many tissues and cells of the body and are involved in the maintenance of various physiological functions. The modification of these functions, via inhibition of vacuolar-type (H+)-ATPases, may represent an effective means of treating various disease states, including Alzheimer's disease, glaucoma, and osteoporosis. In addition, these inhibitors may also be of particular value for use against cancer, as vacuolar-type (H+)-ATPases have been implicated in processes relating to cellular proliferation, angiogenesis, tumor cell invasiveness, metastasis, and drug resistance.

Dated: May 24, 2001.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–13886 Filed 6–1–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Peter A. Soukas, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 268; fax: 301/402–0220; e-mail: soukasp@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Identification of New Small RNAs and ORFs

Susan Gottesman (NCI), Gisela Storz (NICHD), Karen Wassarman (NICHD), Francis Repoila (NCI), Carsten Rosenow (EM)

DHHS Reference No. E–072–01/0, filed 01 Feb 2001

The inventors have isolated a number of previously unknown sRNAs found in E. coli. Previous scientific publications by the inventors and others regarding

sRNAs have shown these sRNAs to serve important regulatory roles in the cell, such as regulators of virulence and survival in host cells. Prediction of the presence of genes encoding sRNAs was accomplished by combining sequence information from highly conserved intergenic regions with information about the expected transcription of neighboring genes. Microarray analysis also was used to identify likely candidates. Northern blot analyses were then carried out to demonstrate the presence of the sRNAs. Three of the sRNAs claimed in the invention regulate (candidates 12 and 14, negatively and candidate 31, positively) expression of RpoS, a major transcription factor in bacteria that is important in many pathogens because it regulates (amongst other things) virulence. The inventors' data show that these sRNAs are highly conserved among closely related bacterial species, including Salmonella and Klebsiella, presenting a unique opportunity to develop both specific and broad-based antibiotic therapeutics. The invention contemplates a number of uses for the sRNAs, including, but not limited to, inhibition by antisense, manipulation of gene expression, and possible vaccine candidates.

LL–37 Is an Immunostimulant

Oleg Chertov (NCI), Joost Oppenheim (NCI), De Yang (NCI), Qian Chen (NCI), Ji Wang (NCI), Mark Anderson (EM), Joseph Wooters (EM)

Serial No. 60/233,983, filed 21 Sep 2000

This invention relates to use of an antimicrobial peptide as a vaccine adjuvant. LL–37 is the cleaved antimicrobial 37-residue C-terminal peptide of hCAP18, the only identified member in humans of a family of proteins called cathelicidins. LL–37/hCAP18 is produced by neutrophils and various epithelial cells. LL–37 is well known as an antimicrobial peptide. However, although antimicrobial peptides have generally been considered to contribute to host innate antimicrobial defense, some of them may also contribute to adaptive immunity against microbial infection. The inventors have shown that LL–37 utilizes formyl peptide receptor-like 1 (FPLR1) as a receptor to activate human neutrophils, monocytes, and T cells. Since leukocytes participate in both innate and adaptive immunity, the fact that LL–37 can chemoattract human leukocytes may provide one additional mechanism by which LL–37 can contribute to host defense against microbial invasion, by participating in the recruitment of leukocytes to sites of infection. The invention claims methods of enhancing immune responses through the administration of LL–37 alone, in conjunction with a vaccine, and methods of treating autoimmune diseases. The invention is further described in Chertov et. al., ''LL–37, the neutrophil granule-and epithelial cell-derived cathelicidin, utilizes formyl peptide receptor-like 1 (FPRL1) as a receptor to chemoattract human peripheral blood neutrophils, monocytes, and T cells,'' J Exp. Med. 2000 Oct 2;192(7):1069–74.

Vibrio cholerae O139 Conjugate Vaccines

Shousun Szu, Zuzana Kossaczka, John Robbins (NICHD)

DHHS Reference No. E–274–00/0; PCT/US00/24119, filed 01 Sep 2000

Cholera remains an important public health problem. Epidemic cholera is caused by two Vibrio cholerae serotypes O1 and O139. The disease is spread through contaminated water. According to information reported to the World Health Organization in 1999, nearly 8,500 people died and another 223,000 were sickened with cholera worldwide. This invention is a polysaccharide-protein conjugate vaccine to prevent and treat infection by Vibrio cholerae O139 comprising the capsular polysaccharide (CPS) of V. cholerae O139 conjugated through a dicarboxylic acid dihydrazide linker to a mutant diphtheria toxin carrier. In addition to the conjugation methods, also claimed in the invention are methods of immunization against V. cholerae O139 using the conjugates of the invention. The inventors have shown that the conjugates of the invention elicited in mice high levels of serum antibodies to CPS, a surface antigen of Vibrio cholerae O139, that have vibriocidal activity. Clinical trials of the two most immunogenic conjugates have been planned by the inventors. This invention is further described in Infection and Immunity 68(9), 5037–5043, Sept. 2000.

A Novel Chimeric Protein for Prevention and Treatment of HIV Infection

Edward A. Berger (NIAID), Christie M. Del Castillo

Serial No. 60/124,681, filed 16 Mar 1999 and PCT/US00/06946, filed 16 Mar 2000

This invention relates to bispecific fusion proteins effective in viral neutralization. Specifically, the invention is a genetically engineered chimeric protein containing a soluble extracellular region of human CD4 attached via a flexible polypeptide linker to a single chain human monoclonal antibody directed against a CD4-induced, highly conserved HIV gp120 determinant involved in coreceptor interaction. Binding of the sCD4 moiety to gp120 induces a conformational change that enables the antibody moiety to bind, thereby blocking Env function and virus entry. This novel bispecific protein displays neutralizing activity against genetically diverse primary HIV–1 isolates, with potency at least 10-fold greater than the best described HIV–1 neutralizing monoclonal antibodies. The agent has considerable potential for prevention of HIV–1 infection, both as a topical microbicide and as a systemic agent to protect during and after acute exposure (e.g. vertical transmission, post-exposure prophylaxis). It also has potential utility for treatment of chronic infection. Such proteins, nucleic acid molecules encoding them, and their production and use in preventing or treating viral infections are claimed.

Beta2-Microglobulin Fusion Proteins and High Affinity Variants

RK Ribaudo, M Shields (NCI)

Serial No. 09/719,243, filed 07 Dec 2000 (with priority back to Serial No. 60/088,813, filed 10 Jun 1998) and European Patent Application Number 99928376.5

This invention concerns fusion proteins comprising b2-microglobulin (b2M), a component of the MHC–1 complex, and immunologically active proteins such as the co-stimulatory molecule B7. The fusion proteins, and nucleic acids encoding them, have broad utility activating Cytotoxic T Lymphocytes (CTLs) against viruses and tumors. The fusion proteins locate to the surface of MHC–1 expressing cells. They may be used as adjuvants to enhance the efficacy of MHC–1 binding peptides, from viruses or cancer antigens, as vaccines. The fusion proteins can be used, in vivo or ex vivo, to enhance the immunogenicity of cancer cells to cause their destruction by the immune system. B7-b2M is as effective at co-stimulating T-cells in comparison to anti-CD28 monoclonal antibodies, whereas wild-type b2M is ineffective at co-stimulating T-cells. In addition, B7-b2M induces better recognition and killing of tumor cell lines compared to wild-type b2M. Another aspect of the invention is a mutant human b2M that binds MHC–1 with higher affinity than wild-type b2M. It can be used in place of wild-type b2M, including in the fusion proteins, to greater effect.

Virus-Like Particles as Unlinked Adjuvants

John Schiller, Bryce Chackerian, Joseph Lee, Douglas Lowy (NCI)

Serial No. 60/219,763, filed 20 Jul 2000

This invention claims immunostimulating or vaccine compositions in which non-infectious virus-like particles (VLPs) serve as unlinked adjuvants. Co-administration of VLPs with an antigen enhances induction of high titer IgG antibodies to self or foreign antigens and promotes T cell responses to foreign antigens. The VLP-target antigen combination can be administered alone or with a traditional adjuvant. The VLPs of the current invention are contemplated to comprise capsid protein(s) of a virus assembled into a shell resembling a virion, but not containing pathogenic viral DNA or RNA. The VLPs are unlinked, rather than physically linked to the antigen because this may reduce the manufacturing complexity of the vaccine. Unlinked VLP adjuvants, for example papillomavirus VLPs, of the invention have a number of advantages: (1) They are non-inflammatory in humans, (2) are potent at amplifying IgG antibody responses to self antigens, (3) induce a pronounced Th1 type of T cell response, and (4) may provide two-fold protection, against the virus corresponding to the VLP type, as well as against the disease associated with the other component in the VLP-target antigen combination.

Peptides That Stabilize Protein Antigens and Enhance Presentation to CD8+ T Cells

Roger Kurlander, Elizabeth Chao, Janet Fields (CC)

Serial No. 60/169,227, filed 06 Dec 1999 and PCT/US00/33027, filed 12 Dec 2000

This invention relates to compositions and methods for stabilizing an antigen against proteolytic degradation and enhancing its presentation to CD8+ cells. The invention claims ''fusion agents,'' isolated molecules comprising a hydrophobic peptide joined to an epitope to which a CD8+ T cell response is desired. Also claimed in the invention are the nucleic acid sequences that encode the fusion agents. Recently, there has been great interest in developing vaccines to induce protective CD8+ T cell responses, however, there are practical obstacles to this goal. Although purified antigenic peptides are effectively presented in vitro, introduced in a purified form they often do not stimulate effective T cell responses in vivo because the antigens are insufficiently immunogenic and too easily degraded. Adjuvants or infectious ''carriers'' often can enhance these immune responses, however, these added agents can cause unacceptable local or systemic side effects. The present invention increases antigen stability and promotes in vivo responses in the absence of an adjuvant or active infection.

The invention describes three variants of lemA, an antigen recognized by CD8+ cells in mice infected with Listeria monocytogenes. The antigenic and stabilizing properties of lemA can be accounted for by the covalent association of the immunogenic aminoterminal hexapeptide with the protease resistant scaffolding provided by amino acids 7 to 33 of the lemA sequence (lemA(7–33)). Variants t-lemA, and s-lemA bearing an antigenic sequence immediately preceding lemA(7–33), and lemS containing an immunogenic sequence immediately after lemA(7–33), each induce a CD8+ T cell response and protect the crucial immunogenic oligopeptide from protease degradation. The site of antigen insertion relative to lemA(7–33) can influence antigen processing by preferentially promoting processing either in the cytoplasm or endosomal compartment. Therefore, several embodiments of the invention involve the construction of antigen processing protein molecules and their methods of use. Alternatively, a DNA sequence coding lemA(7–33) may be inserted at an appropriate site to enhance the immunogenicity of the antigenic element coded by a DNA vaccine. In sum, this invention is an attractive, nontoxic alternative to protein/adjuvant combinations in eliciting CD8 responses in vivo and a useful element for enhancing the efficiency with which products coded by DNA vaccines are processed and presented in vivo. Because lemA(7–33) is particularly effective in protecting oligopeptides from proteases, this invention may have particular usefulness in enhancing local T cell at sites such as mucosal surfaces where there may be high proteolytic activity.

For more specific information about the invention or to request a copy of the patent application, please contact Peter Soukas at the telephone number or e-mail listed above. Additionally, please see a related article published in the Journal of Immunology at: 1999;163:6741–6747.

Dated: May 25, 2001.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–13888 Filed 6–1–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Development of Live, Attenuated Vaccines for Human Use Against Respiratory Syncytial Viruses Types A and B, and Parainfluenza Viruses Types 1, 2 and 3

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the inventions embodied in the patent applications referenced below to American Home Products Corporation through its Wyeth-Ayerst Laboratories Division, Wyeth-Lederle Vaccines business unit, having a place of business in Madison, N.J. The United States of America is an assignee to the patent rights of these inventions.

USPA 09/291,894, filed 4/13/99, entitled ''Production of attenuated Chimeric RSV vaccines from cloned nucleotide sequences'' (now PCT/US00/08802, filed 3/31/00)

USPA 09/350,821, filed 7/9/99, entitled ''Recombinant PIV vaccines attenuated by deletion or ablation of non-essential gene'' (now PCT/US00/18523, filed 7/6/00)

USPA 60/143,132, filed 7/9/99, entitled ''Production of attenuated, human-bovine chimeric RSV vaccines'' (now USPA 09/602,212 and PCT/US00/17755, both filed 6/23/00)

USPA 60/143,425, filed 7/13/99, entitled ''Production of recombinant RSV expressing immune modulatory molecules'' (now USPA 09/614,285 and PCT/US00/19042, both filed 7/12/00)

USPA 60/143,097, filed 7/7/99, entitled ''Production of attenuated RSV vaccines involving modification of M2 open reading frame (ORF) 2'' (now USPA 09/611,829 and PCT/US00/18534, both filed 7/7/00)

USPA 60/143,134, filed 7/9/99, entitled ''Attenuated human-bovine chimeric PIV vaccines'' (now USPA 09/586,479 and PCT/US00/17066, both filed 6/15/00)
USPA 60/129,006, filed 4/13/99, entitled ''Production of attenuated negative stranded RNA virus vaccines from cloned nucleotides'' (now PCT/US00/09695, filed 4/12/00)
USPA 60/170,195, filed 12/10/99, entitled ''Use of recombinant PIVs as vectors to protect against infectious Diseases caused by PIV and other human Pathogens'' (now USPA 09/733,692 and PCT/US00/33293, both filed 12/8/00)
USPA 60/213,708, filed 6/23/00, entitled ''RSV vaccines expressing protective antigens from promoter-proximal genes''
USPA 60/215,809, filed 7/5/00, entitled ''Attenuated human-bovine chimeric PIV vaccines''
USPA 60/007,083, filed 9/27/95, entitled ''Production of infectious Respiratory Syncytial Virus from cloned nucleotide sequences'' (now USPA 08/720,132 and PCT/US96/15524, both filed 9/27/96)

The contemplated exclusive license may be limited to the development of live, attenuated vaccines for human use against Respiratory Syncytial Viruses Types A and B, and Parainfluenza Viruses Types 1, 2 and 3.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before August 3, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to Uri Reichman, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 240; Facsimile: (301) 402–0220; E-mail: reichmau@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The Patent Applications cover a wide range of methods to produce live attenuated vaccines for PIV and RSV. This includes, for example, deletion or ablation of non-essential genes (PIV, USPA 09/350,821), insertion of genes expressing immune modulatory molecules (RSV, USPA 60/143,425), modification of the second translational open reading frame of the M2 gene (RSV, USPA 60/143,097), and shifts in gene positions that modulate expression of selected genes (RSV, USPA 60/213,708). It also includes human-bovine chimeric constructs (PIV, USPA 60/215,809, USPA 60/143,134; RSV, USPA 60/143,132) or RSV–PIV chimeric constructs (USPA 60/170,195 for PIV1,2,3 and USPA 09/291,894 for RSVA/B). US Provisional Application 60/129,006 relates to a new attenuation strategy applicable for the development of RSV and PIV vaccine candidates. It generally describes the finding that attenuating mutations identified in certain negative stranded RNA viruses are transferable to other viruses of the Mononegavirale order. US Provisional Application 60/007,083 describes an expression system for recovery of RSV viruses from the corresponding cDNA sequences.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 25, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–13887 Filed 6–1–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Meeting of the Alaska Migratory Bird Co-management Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Alaska Migratory Bird Co-management Council has scheduled a public meeting to discuss financial needs and sources for funding the operation of the Council and the regional management bodies.

DATES: The Co-management Council will meet June 26, 2001.

ADDRESSES: The meeting will be conducted at the Hawthorn Suites Hotel at 1110 W. 8th Avenue in Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: For additional information call Bob Stevens at 907/786–3499. Individuals with a disability who may need special accommodations in order to participate in the public comment portion of the meeting should call the above number.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service formed the Alaska Migratory Bird Co-Management Council, which includes Native, State, and Federal representatives as equals, by means of a Notice of Decision published in the **Federal Register**, 65 FR 16405–16409, March 28, 2000. The amended Migratory Bird Treaty with Canada required the formation of such a management body. The Co-management Council will make recommendations for regulations for spring/summer subsistence harvesting of migratory birds in Alaska. In addition the Co-management Council will make recommendations regarding population and harvest monitoring, law enforcement policies, habitat protection, research and use of traditional knowledge, and education programs.

The meeting of the Co-management Council will begin at 8:30 a.m. on Tuesday, June 26, 2001. The session will end no later than 5 p.m. that day. The primary agenda item will be a discussion of funding alternatives for the operation of the Co-management Council and the regional management bodies that provide recommendations to the Co-management Council. The public is invited to attend. The Co-management Council will provide opportunities for public comment on agenda items at the end of the morning session and at the end of the afternoon session. Additional opportunities may be provided at the discretion of the Co-management Council. Agendas will be available at the door.

Dated: May 23, 2001.

David B. Allen,

Regional Director, Anchorage, Alaska.

[FR Doc. 01–13936 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–070–99–5101–00; J–608; UTU–77149, UTU–77164, UTU–78301, FERC Doc. No. CP00–68–000]

San Juan County, New Mexico; La Plata, Montezuma, Dolores, and San Miguel Counties, Colorado; and San Juan, Grand, Emery, Carbon, Sanpete, Utah, Juab and Salt Lake Counties, Utah; Final EIS for a Refined Petroleum Products Pipeline, Natural Gas Pipelines and Utility Corridor Analysis and Plan Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, a Final Environmental Impact Statement (FEIS) has been prepared by the Bureau of Land Management (BLM), Utah State Office. The FEIS was prepared to analyze the impacts of proposed transportation of refined petroleum products and natural gas through pipelines located on public lands administered by BLM, National Forest System lands and State and private lands in northwest New Mexico, southwest Colorado, and southeast to north-central Utah. In addition, the Final EIS analyzes utility corridors across the Manti-LaSal and Uinta National Forests which may or may not expand the existing designated corridors and /or identify other corridors. This analysis may result in Forest Plan amendments to the Manti-LaSal and Uinta National Forest Land and Resource Management Plans. The Federal Energy Regulatory Commission (FERC) and United States Forest Service, Manti-LaSal, San Juan and Uinta National Forests, are Cooperating Agencies in accordance with Title 40, Code of Federal Regulations, § 1501.6.

DATES: The Final EIS will be distributed and made available to the public on June 1, 2001, for a 30 day review period. Copies of the Final EIS will be mailed to individuals, agencies, or companies who previously requested copies by responding to an inquiry by the Bureau of Land Management. No decision on the proposed action shall be made or recorded until at least 30 days after publication of a Notice of Availability by the Environmental Protection Agency.

ADDRESSES: Public reading copies of the FEIS will be available for review at the following locations:

- Salt Lake City, Utah—209 East 500 South, Salt Lake City, Utah
- West Valley City, Utah—2880 West 3650 South, West Valley City, Utah
- Payson, Utah—439 West Utah Ave, Payson, Utah
- Nephi, Utah—22 East 100 North, Nephi, Utah
- Price, Utah—159 East Main, Price, Utah
- Moab, Utah—Grand Co. Library, 25 South 100 East, Moab, Utah
- Durango, Colorado—Durango Public Library, 1188 Second Avenue, Durango, CO
- Dolores, Colorado—Dolores Public Library, PO Box 847, Dolores, CO
- Farmington, New Mexico—Farmington Public Library, 100 West Broadway, Farmington, NM

A limited number of copies of the document will be available at the following BLM and Forest Service Offices:

- Bureau of Land Management, Utah State Office, 324 South State Street, Salt Lake, Utah
- Uinta National Forest, 88 West 100 North, Provo, Utah,
- Bureau of Land Management
- Filmore Field Office, 35 East 500 North, Fillmore, Utah,
- Bureau of Land Management, Price Field Office, 125 South, 600 West, Price, Utah
- Manti La-Sal National Forest, 599 West Price River Drive, Price, Utah
- Bureau of Land Management, Moab Field Office, 82 East Dogwood Road, Moab, Utah
- Bureau of Land Management, Monticello Field Office, 435 North Main Street, Monticello, Utah
- Bureau of Land Management, Durango Field Office. 15 Burnett Court, Durango, Colorado
- San Juan National Forest, Delores, Colorado
- Bureau of Land Management, Farmington, Field Office, 1235 La Plata Highway, Farmington, New Mexico

FOR FURTHER INFORMATION: Please contact Ms. LaVerne Steah, Project Manager, at the above address or phone: (801) 539–4114 or e-mail: LaVerne__Steah@blm.gov

SUPPLEMENTARY INFORMATION: Three proponents (Williams Pipeline Company, Questar Pipeline Company and Kern River Gas Transmission Company) filed right-of-way applications with the Bureau of Land Management in 1998 and 1999 to construct and operate petroleum products and natural gas pipelines and ancillary facilities on public lands administered by the Bureau of Land Management, National Forest System Lands administered by the United States Forest Service (USFS), and private and state owned lands in the states of New Mexico, Colorado, and Utah. The three projects are independent of each other (each project could be constructed and operated regardless of whether the other two projects are approved). The three projects were analyzed together because they would share common utility corridors across the Manti-LaSal and Uinta National Forests and would cause cumulative impacts.

The BLM and the USFS examined alternative natural gas and petroleum transportation methods and several alternative pipeline route segments to address concerns about potential petroleum products leaks and spill effects on natural resources, water and people, natural gas leaks and failure effects on natural resources and people, and effects on the character of USFS inventoried roadless and unroaded areas. Two major (30 miles or longer) route alternatives, and two short (5 miles or less) route variations were carried forward in the analysis in addition to the proposed action and the no action alternative. Also, as part of the proposed action is a proposal to amend one or more forest plans following the 1982 regulations (36 CFR, part 219).

A Draft Environmental Impact Statement (DEIS) was issued on February 23, 2001, analyzing the impacts and identifying alternatives and mitigation measures. A 52 day public comment period and eight public meetings were held in Utah, Colorado and New Mexico to receive comments on the DEIS. A total of 123 comments (84 oral comments and 39 letters) were received. These comments have been analyzed, and appropriate changes have been made in the FEIS. The public comments have been summarized and printed in the FEIS, along with BLM's responses.

Linda Colville,

Acting Utah State Director.

[FR Doc. 01–13974 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–DQ–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–934–5700; COC60743, COC60750, COC60755, COC60756, COC60757, COC60758, COC60759, COC60760]

Notice of Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR

3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas leases, COC60743, COC60750, and COC60755, COC60756, COC60757, COC60758, COC60759, and COC60760, for lands in Rio Blanco County, Colorado, were timely filed and were accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessees have paid the required $500 administrative fee and $158 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the leases as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and Bureau of Land Management is proposing to reinstate leases COC60743, COC60750, COC60755, COC60756, COC60757, COC60758, COC60759, and COC60760, effective October 1, 2000, subject to the original terms and conditions of the leases and the increased rental and royalty rates cited above.

Beverly Derringer,

Supervisory Land Law Examiner, Oil and Gas Lease Maintenance.

[FR Doc. 01–13975 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–JB–U

DEPARTMENT OF THE INTERIOR

National Park Service

Concession Contract

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a temporary concession contract authorizing the operation of food service and sundry merchandise sales facilities and services for the public at Fire Island National Seashore, New York for a term not to exceed October 31, 2001.

EFFECTIVE DATE: July 5, 2001.

ADDRESSES: National Park Service, Boston Support Office, Concession Management Program, 15 State Street, Boston, MA 02109–3572, Telephone (617) 223–5209.

SUPPLEMENTARY INFORMATION: This temporary concession contract is being awarded to the Davis Park Ferry Company, Inc., Patchoque, New York. It is necessary to award the contract in order to avoid interruption of visitor services.

This action is issued pursuant to 36 CFR part 51.24(a). This is not a request for proposals and no prospectus is being issued at this time. The Secretary intends to issue a competitive solicitation for offers for a long-term operator for various services, to begin in 2001. You may be placed on a mailing list for receiving information regarding the competitive solicitation by sending a written request to the above address.

Dated: April 3, 2001.

Sandra S. Corbett,

Acting, Regional Director, Northeast Region.

[FR Doc. 01–13961 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Environmental Impact Statement; Notice of Availability

AGENCY: National Park Service, Interior.

ACTION: Availability of Draft Environmental Impact Statement / Oil and Gas Management Plan, (DEIS/O&GMP), Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Texas.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a Draft Environmental Impact Statement and Oil and Gas Management Plan (DEIS/O&GMP) for Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, Texas.

DATES: Comments on the document must be received within 60 days following the U.S. Environmental Protection Agency publication of a Notice of Availability on the DEIS/O&BMP in the **Federal Register**. If any public meetings are held concerning the DEIS/O&GMP, they will be announced at a later date.

Comments: Written comments on the DEIS/O&GMP should be sent to the Superintendent, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, P.O. Box 1460, Fritch, Texas 79036 or submitted via the Internet to: paul_eubank@nps.gov. Internet comments should be sent with a return receipt requested, as an ASCII file avoiding the use of special characters and any form of encryption, and include ''Attn: (any identifying names or codes)'' and name and return address. If a confirmation that the comment has been received is not returned, contact the NPS Office of Minerals/Oil and Gas Support, telephone 505–988–6095. Comments may also be delivered to NPS park headquarters at 419 E. Broadway, in Fritch, Texas. All comments, including names and addresses of respondents, will be made available for public review during regular business hours. Individual respondents may request that the NPS withhold their name and home address from the record, which will be honored to the extent allowable by law. In order to withhold a name and/or address, it must be stated prominently at the beginning of the written comment. Anonymous comments will not be considered. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. All comments received on the DEIS/O&GMP will become part of the public record.

ADDRESSES: Copies of the DEIS/O&GMP are available from the Superintendent, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, P.O. Box 1460, Fritch, Texas 79036, telephone 806–857–3151. The DEIS/O&GMP is also available on the parks' websites at: *http://www.nps.gov/lamr* and *http://www.nps.gov/alfl/*. Public reading copies of the DEIS/O&GMP are available for public review at the following locations:

Office of the Superintendent, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, 419 E. Broadway, Fritch, TX 79036, Telephone: 806–857–3151

Office of Minerals/Oil and Gas Support, Intermountain Support Office—Santa Fe, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, NM 87501, Telephone: 505–988–6095

Planning and Environmental Quality, Intermountain Support Office—Denver National Park Service, 12795 W. Alameda Parkway, Lakewood, CO 80228, Telephone: 303–969–2851

Office of Public Affairs, National Park Service, 18th and C Streets NW, Washington, DC 20240, Telephone: 202–208–6843

SUPPLEMENTARY INFORMATION: When the parks were created, surface ownership within the two areas was acquired by the U.S. Government. Private entities or the State of Texas retained the subsurface mineral interests on these lands. Thus, the federal government does not own any of the subsurface oil and gas rights in the parks, yet the National Park Service is required by its laws, policies and regulations to protect these parks from any actions, including oil and gas operations, that may

adversely impact or impair park resources and values.

The DEIS/O&GMP analyzes three alternatives that could be implemented over the next 15–20 years for managing existing and anticipated oil and gas operations associated with the exercise of nonfederal oil and gas interests underlying the parks, and existing transpark oil and gas pipelines and activities in their associated rights-of-way. This planning effort will assist the park staff protect park resources, visitor use and experience, and human health and safety, and prevent impairment to park resources and values, while still recognizing all rights associated with outstanding nonfederal oil and gas interests.

Alternative A, No Action/Current Management, is required by the National Environmental Policy Act and describes the continued management of oil and gas operations in the parks under current legal and policy requirements. Alternative B emphasizes the development of a programmatic oil and gas management plan that would guide nonfederal oil and gas operations in the parks. Special Management Areas (SMAs) would be formally designated in the parks where resources and values would be particularly susceptible to adverse impacts from oil and gas operations, and operating stipulations specific to each SMA would be applied. Alternative B is the preferred alternative, and the environmentally preferred alternative. Alternative C emphasizes avoiding new surface disturbance and its associated impacts throughout the parks. New drilling and production operations would be confined to the original footprint of 121 current production sites and could not be located in SMAs where the No Surface Use operating stipulation would be proposed under Alternative B.

Impacts are analyzed on the following topics: nonfederal oil and gas development, adjacent landowners and uses, air quality, geologic resources, paleontological resources, floodplains and water resources, vegetation, wetlands, fish and wildlife, threatened and endangered species, cultural resources, and visitor use and experience.

FOR FURTHER INFORMATION CONTACT: Superintendent, Lake Meredith National Recreation Area and Alibates Flint Quarries National Monument, at the above address and telephone number.

Dated: May 1, 2001.

Jack Nickels,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. 01–13962 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Draft General Management Plan/ Environmental Impact Statement for Olympic National Park, Washington

AGENCY: National Park Service; DOI.

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the General Management Plan, Olympic National Park, Washington.

SUMMARY: In Accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190), the Olympic National Park is initiating an environmental impact analysis process to identify and assess potential impacts of alternative management concepts for future management of the Olympic National Park. Notice is hereby given that the National Park Service will prepare a general management plan and environmental impact statement (GMP/EIS).

Olympic National Park will identify and analyze a range of alternatives so as to evaluate differing management options for resource protection, visitor use, access, operations, facility development, and land protection for the area. As a conceptual framework for formulating these alternatives, the purpose of the park and associated significant cultural and natural resources, wilderness values, and major visitor experiences will be specified.

Comments

All interested persons, organizations, and agencies wishing to provide initial scoping comments about issues or concerns that should be addressed during the GMP/EIS process may send such information to the Superintendent, Olympic National Park, 600 East Park Ave., Port Angeles, Washington 98362–9798. Written comments should be postmarked no later that September 30, 2001.

In addition, several public scoping sessions will be held after publication of this Notice, affording an additional early comment opportunity. Locations, dates, and times of these meetings will be provided in local and regional newspapers, a scoping newsletter to be mailed in late July 2001, and via the Internet at *www.nps.gov/olmy/home.htm* or *www.nps.gov/planning/index.htm.* Inquiries regarding public meetings may be directed to the contact listed below.

All comments received will become part of the public record and copies of comments, including any names and home addresses of respondents, may be released for public inspection. Individual respondents may request that their home addresses be withheld from the public record, which will be honored to the extent allowable by law. Requests to withhold names and/or addresses must be stated prominently at the beginning of the comments. Anonymous comments will not be considered. Submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Because the responsibility for approving the GMP/EIS has been delegated to the National Park Service, the EIS is a ''delegated'' EIS. The responsible official is John J. Reynolds, Regional Director, Pacific West Region, National Park Service.

FOR FURTHER INFORMATION CONTACT: Superintendent, Olympic National Park, 600 East Park Ave., Port Angeles, Washington 98362–9798; telephone (360) 565–3001.

Dated: May 1, 2001.

Rory D. Westberg,

Superintendent, Columbia Cascades Support Office, Pacific West Region.

[FR Doc. 01–13963 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the University of Denver Department of Anthropology and Museum of Anthropology professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Comanche Indian Tribe, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and Yankton Sioux Tribe of South Dakota.

In the mid-20th century, human remains representing two individuals (catalog number DU 6072) were recovered from an unknown location in Jefferson County, CO, by an unknown individual. The remains were turned over to the Jefferson County coroner, who gave them to the University of Denver Museum of Anthropology. No known individuals were identified. No associated funerary objects are present.

The physical anthropological characteristics of these remains indicate that they are Native American.

In 1992, human remains representing one individual were found in the University of Denver Museum of Anthropology. They were labeled with the same site number as artifacts collected in 1931 by Dr. E.B. Renaud of the University of Denver Department of Anthropology and his assistant, Charlie Steen. Dr. Renaud wrote about the 1931 expedition to what is now identified as site 5JF91, but he did not mention finding human remains. No known individual was identified. The 48 associated funerary objects are 45 chipped stone flakes, 2 cord-marked ceramic sherds, and 1 metate.

The geographical origin and associated funerary objects indicate that these remains are Native American. Site 5JF91 is a campsite on a hill overlooking a creek southwest of Morrison, Jefferson County, CO. The presence of cord-marked ceramics in association with these remains indicates that they date no earlier than the Plains Woodland (A.D. 400–1000) or Late Archaic (500 B.C.–A.D. 500) periods, when pottery first appeared in this area. Although museum records do not mention the human remains, it was Dr. Renaud's practice to collect from discrete areas, which makes it likely that the remains are associated with the artifacts. Paul Lewis, of Golden, CO, led Dr. Renaud to the site and also took artifacts from the site.

In 1982, human remains representing one individual were recovered from 5JF148 (CO K:8:81), the Crescent site, Jefferson County, CO, by the Colorado Archaeological Society, Denver Chapter (CAS Denver). CAS Denver sent the remains to Dr. Michael Finnegan at Kansas State University, Manhattan, KS, where they are currently curated. CAS Denver and the University of Denver Museum of Anthropology had an agreement whereby the museum curated archeological material that had been processed in the CAS Denver laboratory after CAS Denver excavations. Sometime after the remains were transferred to Kansas State University, while processing material from 5JF148, CAS Denver discovered additional remains from the individual whose remains were sent to Dr. Finnegan. CAS Denver subsequently deposited the isolated remains in the museum for NAGPRA reporting and curation. In October 1999, CAS Denver transferred legal control to the museum of all of the material from the site excluding the human remains at Kansas State University. No known individual was identified. No associated funerary objects are present.

5JF148 is a rock shelter with a southern aspect. The remains were flexed and placed in a pit burial, with the head to the east, facing north. The burial has been radiocarbon dated to 5155 B.P. (3205 B.C.), placing it in the Early-Middle Archaic (6000–500 B.C.) period.

Between 1983 and 1987, human remains representing 13 individuals were recovered from 5JF321 (CO K:8:82), the Swallow site, Deer Creek Drainage, Jefferson County, CO, by the Colorado Archaeological Society, Denver Chapter (CAS Denver). During the excavations CAS Denver discovered burials that were sent to Dr. Michael Finnegan at Kansas State University, Manhattan, KS, for study and curation. CAS Denver and the University of Denver Museum of Anthropology had an agreement whereby the museum curated archeological material that had been processed in the CAS Denver laboratory after CAS Denver excavations. Sometime after the remains were transferred to Kansas State University, while processing material from 5JF321, CAS Denver discovered additional remains from the individuals whose remains were sent to Dr. Finnegan. CAS Denver subsequently deposited the isolated remains in the museum for NAGPRA reporting and curation. In October 1999, CAS Denver transferred legal control to the museum of all of the material from the site excluding the human remains at Kansas State University. No known individuals were identified. No associated funerary objects are present.

5JF321 is a rock shelter with a southwestern aspect. It had multiple occupations dating from the Middle Archaic (3000–500 B.C.), Late Archaic (500 B.C.–A.D. 500), Plains Woodland (A.D. 400–1000), and Historic (post-A.D. 1600) periods. These remains date to the Archaic period.

In 1973, human remains representing one individual were recovered from 5JF52 (CO K:8:86), Bradford House III site, Dutch Creek Drainage, Jefferson County, CO, by the Colorado Archaeological Society, Denver Chapter (CAS Denver). During the excavations CAS Denver discovered burials that

were sent to Dr. Michael Finnegan at Kansas State University, Manhattan, KS, for study and curation. CAS Denver and the University of Denver Museum of Anthropology had an agreement whereby the museum curated archeological material that had been processed in the CAS Denver laboratory after CAS Denver excavations. Sometime after the remains were transferred to Kansas State University, while processing material from 5JF52, CAS Denver discovered additional remains from the individual whose remains were sent to Dr. Finnegan. CAS Denver subsequently deposited the isolated remains in the museum for NAGPRA reporting and curation. In October 1999, CAS Denver transferred legal control to the museum of all of the material from the site excluding the human remains at Kansas State University. No known individual was identified. The three associated funerary objects are metates, one of which is broken in half.

5JF52 is a rock shelter with a southwestern aspect. It had multiple occupations dating from the Middle Archaic (3000–500 B.C.), Late Archaic (500 B.C.–A.D. 500), and Plains Woodland (A.D. 400–1000) periods. This burial has been radiocarbon dated to 2440 B.P. (490 B.C. or 589 B.C. with corrections), placing it in the Middle-Late Archaic (3000 B.C.–A.D. 500) period.

In 1976, 12 associated funerary objects were recovered from graves at 5JF211 (CO K:8:80), Falcon's Nest site, Deer Creek Drainage, Jefferson County, CO, by the Colorado Archaeological Society, Denver Chapter (CAS Denver). The human remains associated with these objects were sent by CAS Denver to Dr. Michael Finnegan at Kansas State University, Manhattan, KS, for study and curation. CAS Denver and the University of Denver Museum of Anthropology had an agreement whereby the museum curated archeological material that had been processed in the CAS Denver laboratory after CAS Denver excavations. In October 1999, CAS Denver transferred legal control to the museum of all of the material from the site excluding the human remains at Kansas State University. The 12 associated funerary objects are 2 projectile points, 1 piece of charcoal, 1 animal scapula identified as a rasp, 1 object that is thought to be a flute, 1 metate, 1 piece of pigment, and 5 rocks.

5JF211 is a rock shelter with a southern aspect. It had multiple occupations dating from the Middle Archaic (3000–500 B.C.), Late Archaic (500 B.C.–A.D. 500), and Plains Woodland (A.D. 400–1000) periods. The burials and their associated artifacts date to the Archaic.

Unless specifically stated above, collections documentation is limited concerning possible dates, cultural affiliation(s), or the circumstances under which the Native American human remains and associated funerary objects described above were found. Colorado's history of tribal relocation, however, suggests that all of the human remains and associated funerary objects described above date prior to contact with Europeans. The ''Indian Land Areas Judicially Established 1978 Map'' indicates the legal claim to land based upon traditional use for the Ute, Cheyenne, and Arapaho. The ''Early Indian Tribes, Culture Areas, and Linguistic Stocks Map'' establishes the presence of the Ute at the time of contact with Europeans. The Colorado Office of Archaeology and Historic Preservation map of Native American distribution in Colorado establishes the presence of the Hopi, Ute, Lakota, Arapaho, Cheyenne, Comanche, Kiowa, Apache, and Kiowa-Apache. The Hopi Tribe of Arizona provided written testimony that they are culturally affiliated to Archaic period individuals. Representatives from the Pawnee Nation of Oklahoma presented linguistic evidence in that there is a Pawnee name for Pike's Peak which is to the south of Jefferson County. Representatives from seven Sioux tribes presented oral testimony during consultation that confirmed the presence of the Sioux in this region. The seven Sioux tribes are the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Flandreau Santee Sioux Tribe of South Dakota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; and Yankton Sioux Tribe of South Dakota. Representatives of the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado who attended a conference on cultural affiliation of ancient peoples in Colorado, held at the Colorado Historical Society, provided oral testimony that confirmed the presence of the Ute in Jefferson County. Based on the totality of the circumstances surrounding the acquisition of these human remains and associated funerary objects, the evidence of traditional territories, oral traditions, archeological context, and material culture, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that there is cultural affiliation with the present-day Indian tribes who claim a presence in the region prior to and during the contact period.

Based on the above-mentioned information, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of 18 individuals of Native American ancestry. Officials of the University of Denver Department of Anthropology and Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2(d)(2), the 63 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Indian Tribe, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota;

Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Comanche Indian Tribe, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and Yankton Sioux Tribe of South Dakota.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Jan I. Bernstein, Collections Manager and NAGPRA Coordinator, University of Denver Department of Anthropology and Museum of Anthropology, 2000 Asbury, Sturm Hall S–146, Denver, CO 80208–2406, telephone (303) 871–2543, e-mail jbernste@du.edu, before July 5, 2001. Repatriation of the human remains and associated funerary objects to the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Indian Tribe, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah; and Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: May 8, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–13965 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meets the definition of ''unassociated funerary object'' under section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is a camas digger made of antler.

According to museum records, prior to 1905, this cultural item was recovered ''from a grave'' of the Quinault Indians in the State of Washington. In 1905, this cultural item was purchased by Grace A. Nicholson and donated to the Peabody Museum of Archaeology and Ethnology by Lewis Farlow.

Based on the specific cultural affiliation described by the collector, this burial was most likely a Quinault burial from the historic period.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43

CFR 10.2(d)(2)(ii), this one cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between this cultural item and the Quinault Tribe of the Quinault Reservation, Washington.

This notice has been sent to officials of the Quinault Tribe of the Quinault Reservation, Washington. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this unassociated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before July 5, 2001. Repatriation of this unassociated funerary object to the Quinault Tribe of the Quinault Reservation, Washington may begin after that date if no additional claimants come forward.

Dated: April 6, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–13964 Filed 6–1–01; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–403 and 731–TA–895–897 (Final)]

Pure Magnesium From China, Israel, and Russia

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 701–TA–403 and 731–TA–895–896 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether 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 countervailable subsidies by the government of Israel and by less-than-fair-value imports from China and Israel of pure magnesium, provided for in subheading 8104.11.00, 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States.[1] Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will not publish a notice of scheduling for the final phase of its investigation unless and until it receives an affirmative final determination from Commerce.

Although the Department of Commerce has preliminarily determined that pure magnesium from Russia is not being sold, nor is likely to be sold, in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b) and gives notice of the scheduling of the final phase of the antidumping investigation No. 731–TA–897 (Final) under section 735(b) of the Act. The Commission is taking this action so that the final phases of the antidumping investigations may proceed concurrently in the event that Commerce makes a final affirmative antidumping determination with respect to Russia. If Commerce makes a final negative antidumping determination with respect to Russia, the Commission will terminate its antidumping investigation under section 735(c)(2) of the Act (19 U.S.C. 1673d(c)(2)), and § 207.2(d) of the Commission's rules.

For further information concerning the conduct of this phase of these investigations, hearing procedures, 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 C (19 CFR part 207).

EFFECTIVE DATE: April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of pure magnesium from China and Israel are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b) and that countervailable subsidies are being provided to producers and exporters of pure magnesium by the government of Israel within the meaning of section 703 (19 U.S.C. 1671b). The investigation was requested in a petition filed on October 17, 2000, by Magnesium Corporation of America, Salt Lake City, UT, the United Steel Workers of America, Local 8319, Salt Lake City, UT, and the United Steel Workers of America, AFL–CIO–CLC (USWA International).

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this

[1] For purposes of this investigation, the Department of Commerce has defined the subject merchandise as ''pure magnesium products, regardless of chemistry, including, without limitation, raspings, granules, turnings, chips, powder, and briquettes, except as noted above. Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as ''ultra-pure'' magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent pure magnesium, by weight (generally referred to as ''pure'' magnesium); (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, and that do not conform to an ''ASTM Specification for Magnesium Alloy'' (generally referred to as ''off-specification pure'' magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, except that mixtures containing 90 percent or less pure magnesium, by weight, when mixed with lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon slag coagulants, and/or fluorspar, are excluded. The merchandise subject to this investigation is classifiable under 8104.30.00 of the Harmonized Tariff Schedule (''HTS''). Although the HTS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.''

There is an existing antidumping duty order on pure magnesium from China. See Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium From the Russian Federation, 60 FR 25691 (May 12, 1995). The scope of this investigation excludes pure magnesium that is already covered by the existing order, and classifiable under 8104.11.00 and 8104.19.00 of the HTS.

investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on August 30, 2001, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on September 13, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 5, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 10, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is September 7, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 20, 2001; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before September 20, 2001. On October 11, 2001, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 15, 2001, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 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 §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

Issued: May 29, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–13967 Filed 6–1–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–943–947 (Preliminary)]

Circular Welded Non-Alloy Steel Pipe From China, Indonesia, Malaysia, Romania, and South Africa

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–943–947 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China, Indonesia, Malaysia, Romania, and South Africa of circular welded non-alloy steel pipe, provided for in subheadings 7306.30.10 and 7306.30.50 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 July 9, 2001. The Commission's views are due at Commerce within five business days thereafter, or by July 16, 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: May 24, 2001.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–205–3185), 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 May 24, 2001, by counsel on behalf of Allied Tube & Conduit Corp., Harvey, IL; IPSCO Tubulars, Inc., Camanche, IA; LTV Copperweld, Youngstown, OH; Northwest Pipe Co., Portland, OR; Western Tube & Conduit Corp., Long Beach, CA; Century Tube Corp., Pine Bluff, AR; Laclede Steel, St. Louis, MO; Maverick Tube Corp., Chesterfield, MO; Sharon Tube Co., Sharon, PA; and Wheatland Tube Co., Wheatland, PA.

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 §§ 201.11 and 207.10 of the Commissions 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 § 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 Thursday, June 14, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202–205–3185) not later than June 12, 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 § 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 19, 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 §§ 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 §§ 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 § 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 25, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–13851 Filed 6–1–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–935–942 (Preliminary)]

Certain Structural Steel Beams From China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan

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–935–942 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan of certain structural steel beams, provided for in subheadings 7216.32.00, 7216.33.00, 7216.50.00, 7216.61.00, 7216.69.00, 7216.91.00, 7216.99.00, 7228.70.30, and 7228.70.60 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 preliminary determinations in these antidumping investigations in 45 days, or in these cases by July 9, 2001. The Commission's views are due at Commerce within five business days thereafter, or by July 16, 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: May 23, 2001.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–205–3182), 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 May 23, 2001, by counsel on behalf of Northwestern Steel & Wire Co., Sterling, IL; Nucor Corp., Charlotte, NC; Nucor-Yamato Steel Co., Blytheville, AR; and TXI-Chaparral Steel Co., Midlothian, TX.

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 §§ 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 § 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 June 13, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia Hand (202–205–3182) not later than June 6, 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 §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 18, 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 §§ 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 §§ 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 § 207.12 of the Commission's rules.

Issued: May 24, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–13852 Filed 6–1–01; 8:45 am]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–01–021]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 7, 2001 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–362 and 731–TA–707–710 (Review) (Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Argentina, Brazil, Germany, and Italy)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on June 21, 2001.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: May 29, 2001.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 01–14090 Filed 5–31–01; 2:02 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Civil Division; Agency Information Collection Activities; Proposed Collection; Comments Requested

AGENCY: Notice of information collection under review; extension of a currently approved collection, claim for damage, injury, or death.

The Department of Justice, Civil Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 28, 2001 (Volume 66, Number 60, Page 16959) allowing for a 60 day public comment period. No comments were received by the Civil Division on this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 5, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies

concerning the proposed collection of information should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Claim for Damage, Injury, or Death.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form SF95, Claim for Damage, Injury, or Death. Civil Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Others that apply: Business or other for-profit, not-for-profit institutions, State, Local or Tribal Government. This information is needed to present a claim against the United States Government under the Federal Tort Claims Act, 28 U.S.C. § 2675(a).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300,000 responses at 6 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,800,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Management Division, Suite 1220, 1331 Pennsylvania Ave., NW., Washington, DC 20004.

Dated: May 29, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–13889 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, the Department of Justice gives notice that a proposed consent decree in the case captioned *United States* v. *Avanti Development, Inc., et al.*, Civil Action No. IP01–402–C–B/S (S.D. Ind.) was lodged with the United States District Court for the Southern District of Indiana on May 21, 2001. The proposed consent decree relates to the Avanti Superfund Site (the ''Site'') in Indianapolis, Indiana.

The proposed consent decree would resolve a civil claim of the United States for recovery of unreimbursed past response costs under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607, against Settling Defendant Vornado Realty Trust. The proposed consent decree would provide for payment of $30,000 toward the United States' past response costs associated with the Site.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Avanti Development, Inc., et al.*, Civil Action No. IP01–402–C–B/S (S.D. Ind.), and DOJ Reference No. 90–11–3–06099.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Southern District of Indiana, 10 West Market Street, Suite 2100, Indianapolis, Indiana 46204 (contact Thomas Kieper (317–226–6333)); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604 (contact Kevin Chow (312–353–6181)). Copies of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting copies, please refer to the above-referenced case name and DOJ Reference Number, and enclose a check made payable to the Consent Decree Library for $7.50 (30 pages at 25 cents per page reproduction cost).

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–13859 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act, the Comprehensive Emergency Response, Compensation and Liability Act, and the Emergency Planning and Community Right-to-Know Act

Under 28 CFR 50.7, notice is hereby given that on May 11, 2001, a proposed Consent Decree in *United States* v. *Marathon Oil Co. and Marathon Ashland Petroleum, LLC.,* Civil Action No. 99–4023–JPG, was lodged with the United States District Court for the Southern District of Illinois.

In this action, the United States sought penalties and injunctive relief against Marathon Oil Co. (''MOC'') and Marathon Ashland Petroleum LLC (''MAP'') (collectively ''Defendants'') for claims arising in connection with MAP's refinery in Robinson, Illinois, under the Clean Air Act, 42 U.S.C. 7401 *et seq.,* the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.,* and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001 *et seq.*. Under the Consent Decree, MAP will install at the Robinson Refinery all controls necessary for full compliance with the Benzene Waste NESHAP, 40 CFR part 61, subpart FF, including: (1) Covering and controlling a significant portion of the refinery's oily water sewer system; (2) covering and controlling the junction boxes, drains, and certain tanks at the Refinery's wastewater treatment plant; (3) installing a new, covered and controlled, aboveground API Separator and dissolved Air Flotation Unit; and (4) controlling or taking out of service certain slop oil tanks that are in benzene waste service. The Defendants will pay a civil penalty of $1,675,000. In addition, as a supplemental environmental project, MAP will purchase and donate to the Robinson Fire Department a new emergency transportation vehicle and support equipment worth $125,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree.

Comments should be addressed to the Assistant Attorney General of the environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Marathon Oil Co. and Marathon Ashland Petroleum, LLC,* D.J. Ref. No. 90–5–2–1–1978A.

The Consent Decree may be examined at the Office of the United States Attorney, Nine Executive Dr., Suite 300, Fairview Heights, IL 62208, and at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604–3590. A copy of the Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to above-referenced case, D.J. No. 90–5–2–1–1978A, and enclose a check in the amount of 13.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

William D. Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–13867 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 30, 2001, a proposed Consent Decree in *United States* v. *J. B. Stringfellow, Jr. et al.,* Civil Action No. 83–2501 (R), was lodged with the United States District Court for the Central District of California. the Complaint in this action was brought pursuant to, *inter alia,* the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.,* to recover costs incurred in connection with remedial activities at the Stringfellow Superfund Site in Riverside, California, and to obtain injunctive relief requiring the defendants to take further remedial actions at the Site.

The proposed Consent Decree provides for the recovery of response costs incurred by the United States in connection with EPA's cleanup of the Site through December 31, 2000, through the payment by the State of $99,440,000. In addition, this Consent Decree provides a general commitment by the State to construct and complete the final remedy at the Site and to pay future oversight costs that the United States may incur.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O Box 7611, Ben Franklin Station, Washington, DC 20044. Comments should refer to *United States* v. *J.B. Stringfellow, Jr. et al.,* Civil Action No. 83–2501 (R), D.J. Ref. No. 90–11–2–24.

The proposed Consent Decree may be examined at either of the following locations: (1) The Office of the United States Attorney, Central District of California, Federal Building, Room 7516, 300 North Los Angeles Street, Los Angeles, California; or (2) Office of Regional Counsel, environmental Protection Agency, 75 Hawthorne St., San Francisco, California. A copy of the consent decree can be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the consent decree, please enclose a check in the amount of $4.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Enforcement Section.

[FR Doc. 01–13866 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 230–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice proposes to establish a new Department-wide system of records entitled ''Correspondence Management systems (CMS) for the Department of Justice (DOJ),'' DOJ/003. Most components of the Department maintain and operate their own correspondence tracking systems. There has been no change in the operation of component systems. Rather, this notice of a new system of records replaces most Privacy Act notices already published by components for existing systems, and it also provides notice for components that have not yet published a notice for such records. Because this is a Department-wide systems notice, it is broader than most correspondence tracking systems operated by individual components. The purpose of publishing this Department-wide notice is to increase administrative efficiency and to centralize and simplify for the public the process of obtaining information and making requests. This systems notice includes disclosure provisions that may not have been part of former systems notices. This systems notice does not supercede systems of records covered by separately-noticed systems that are not removed by this order.

Accordingly, this Department-wide system notice replaces, and the Department hereby removes, on the effective date of this notice, the following notices previously published by individual Department of Justice components:

Antitrust Division, ''Congressional and White House Referral Correspondence Log File,'' JUSTICE/ATR–002 (58 FR 6985, Feb. 3, 1993)

Civil Division, ''Congressional and Citizen Correspondence File,'' JUSTICE/CIV–007 (53 FR 4,507, Oct. 17, 1988)

Civil Rights Division, ''Files on Correspondence Relating to Civil Rights Matters from Persons Outside the Department of Justice,'' JUSTICE/CRT–008 (53 FR 40,513, Oct. 17, 1988)

Office of the Deputy Attorney General, ''Executive Secretariat Correspondence Control System,'' JUSTICE/DAG–012 (50 FR 42,614, Oct. 21, 1985)

Drug Enforcement Administration, ''Congressional Correspondence File,'' JUSTICE/DEA–004 (52 FR 47,207, Dec. 11, 1987)

Foreign Claims Settlement Commission, ''Correspondence (General),'' JUSTICE/FCSC–6 (64 FR 31,296, Jun. 10, 1999)

Foreign Claims Settlement Commission, ''Correspondence (Inquiries Concerning Claims in Foreign Countries),'' JUSTICE/FCSC–7 (64 FR 31,296, Jun. 10, 1999)

Immigration and Naturalization Service, ''Immigration and Naturalization Service Index System,'' JUSTICE/INS–001 Subsystem D, ''Congressional Relations Correspondence Control Index,'' and Subsystem P, ''Correspondence Control and Task Tracking System,'' (58 FR 51847, Oct. 5, 1993.)

Justice Management Division, ''Office of General Counsel (OGC) Correspondence and Advice Tracking System (CATS),'' JMD–011 (59 FR 46,661, Sept. 9, 1994)

Land and Natural Resources Division, ''Congressional Correspondence

File,'' JUSTICE/LDN–002 (42 FR 53,351, Sept. 30, 1977)
Land and Natural Resources Division, ''Citizens' Mail File,'' JUSTICE/LDN–006 (45 FR 2214, Jan. 10, 1980)
Office of Legislative Affairs, ''Congressional Committee Chairman Correspondence File,'' JUSTICE/OLA–001 (52 FR 47,278, Dec. 11, 1987)
Office of Legislative Affairs, ''Congressional Correspondence File,'' JUSTICE/OLA–002 (52 FR 47,278, Dec. 11, 1987)
Office of Legislative Affairs, ''Citizen Correspondence File,'' JUSTICE/OLA–003 (52 FR 47,279, Dec. 11, 1987)
Office of Special Counsel for Immigration Related Unfair Employment Practices, ''Files on Correspondence Relating to Immigration-Related, Unfair Employment Practices from Persons Outside the Department of Justice,'' JUSTICE/OSC–002 (53 FR 40,532, Oct. 17, 1988)
Executive Office for U.S. Attorneys, ''Citizen Correspondence Files,'' JUSTICE/USA–004 (54 FR 42,089, Oct. 13, 1989)

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by [30 days after publication in the **Federal Register**]. The public, OMB, and the Congress are invited to submit any comments to Mary E. Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC, 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: May 15, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

Department of Justice—003

SYSTEM NAME:

Correspondence Management Systems (CMS) for the Department of Justice.

SYSTEM LOCATION:

U.S. Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC 20530, and other Department of Justice offices throughout the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals originating, receiving, or named in correspondence (including attachments) to or form the Department or whose correspondence is referred to the Department, or persons communicating electronically or by telephone with the Department regarding official business of the Department, including Members of Congress, other government officials, individuals, and their representatives; individuals originating, receiving, or named in internal memoranda (including attachments) within the Department, including DOJ employees, contractors, and individuals relating to investigators, policy decisions, or administrative matters of significance to the Department of Justice; in some instances, Department of Justice personnel assigned to handle such correspondence and other matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence identification (*e.g.,* correspondence's name, address, title, organization, control number, date of correspondence, date received, subject); status of response within the Department; may include original correspondence, Department's response, office or staff member assigned to handle the matter, referral letters, name and identification of person referring the correspondence, copies of any enclosures, and related materials. Some internal memoranda, e-mail correspondence, and logs/notes of official telephone calls to/by Department staff are also tracked. Records may include case files, litigation materials, reports, or other goods on a given subject or individual. This material varies according to the wide scope of the responsibilities of the Department of Justice. Correspondence identification and tracking information, as well as some substantive information on these matters is maintained in automated database in electronic format and/or paper files. This system does not cover systems of records covered by separately-notices systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The System controls and tracks correspondence received or originated by the Department or referred to the Department, and action taken by the Department in response to correspondence received, as well as some internal memoranda, action items, e-mail correspondence, and logs/notes of official telephone calls. It also serves as a reference source for inquiries and response thereto.

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

Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows:

A. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

B. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record.

C. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

D. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order.

E. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding.

F. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings.

G. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter.

H. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the lettering of a letter or permit, the issuance of a grant or benefit; or other need for the information in performance of official duties.

I. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or

other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

J. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

K. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President.

L. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

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

STORAGE:

Records are stored in electronic form and on paper.

RETRIEVABILITY:

Information can be retrieved by correspondence control number; name of individual; subject matter of topic; or in some cases, by other identifying search term employed.

SAFEGUARDS:

Information in these systems is safeguarded in accordance with applicable rules and policies, including the Department's automated systems security and access policies. Tax return information is safeguarded in accordance with 26 U.S.C. 6103. Classified information is appropriately stored in safes and in accordance with other applicable requirements. In general, records and technical equipment are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those who have an official need for access to perform their official duties.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with individual component guidelines approved by the National Archives and Records Administration (SF 115s), and/or pursuant to General Records Schedule 14, or 23, item 8.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Attorney General, Human Resources/Administration, Justice Management Division, 950 Pennsylvania Ave., NW., Washington, DC 20530.

NOTIFICATION PROCEDURES:

Address inquiries to System Manager named above.

RECORD ACCESS PROCEDURES:

Requests for access must be in writing and should be addressed to the System Manager named above. The envelope and letter should be clearly marked ''Privacy Act Access Request.'' The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Some information may be exempt from access provisions as described in the section entitled ''Systems Exempted from Certain Provisions of the Act.'' An individual who is the the subject of a record in this system may access those records that are not exempt from disclosure. A determination whether a record may be accessed will be made at the time a request is received.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Some information is not subject to amendment, such as tax return information. Some information may be exempt from contesting record procedures as described in the section entitled ''Systems Exempted from Certain Provisions of the Act.'' An individual who is the subject of a record in this system may amend those records that are not exempt. A determination whether a record may be amended will be made at the time a request is received.

RECORD SOURCE CATEGORIES:

Sources of information contained in these systems include individuals, state, local, tribal, and foreign government agencies as appropriate, the executive and legislative branches of the Federal Government, the Judiciary, and interested third parties. The source of the information on the control records contained in these systems is derived from incoming and outgoing correspondence and internal memoranda.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d)(1), (2), (3) and (4); (e)(1), (2), (3), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**. These exemptions apply only to the extent that information in a record pertaining to a particular individual is classified to protect the national security, or relates to official investigations and law enforcement matters. A determination as to exemption shall be made at the time a request for access or amendment is received.

[FR Doc. 01–13860 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–FB–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 231–2001]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, notice is given that the Department of Justice proposes to establish a new Departmentwide system of records entitled, ''Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals, and those systems remain in existence. This notice of a new system of records merely consolidates the Privacy Act notices already published by components for those existing systems, and it also provides notice for components that have not yet published a notice for such records. Accordingly, this Departmentwide system notice replaces, and the Department hereby removes, the following notices previously published by individual Department of Justice components:

Antitrust Division, ''Freedom of Information/Privacy Requester/ Subject Index File,'' JUSTICE/ATR–008 (60 FR 52,693, Oct. 10, 1995)

Bureau of Prisons, ''Freedom of Information Act Record System,'' JUSTICE/BOP–002 (42 FR 53,291, Sept. 30, 1977)

Civil Division, ''Freedom of Information/Privacy Acts File,'' JUSTICE/CIV–005 (53 FR 40,505, Oct. 17, 1988)
Civil Rights Division, ''Freedom of Information: Privacy Acts Records,'' JUSTICE/CRT–010 (53 FR 40,515, Oct. 17, 1988)
Criminal Division, ''Freedom of Information/Privacy Act Records,'' JUSTICE/CRM–024 (52 FR 47,201, Dec. 11, 1987)
Drug Enforcement Administration, ''Freedom of Information/Privacy Act Records,'' JUSTICE/DEA–006 (52 FR 47,209, Dec. 11, 1987)
Executive Office for United States Attorneys, ''Freedom of Information Act/Privacy Act Files,'' JUSTICE/USA–008 (54 FR 42,091, Oct. 13, 1989)
Immigration and Naturalization Service, ''Freedom of Information Act/Privacy Act (FOIA/PA) Case Tracking and Reporting System,'' JUSTICE/INS–010 (60 FR 52,698, Oct. 10, 1995)
Justice Management Division, ''Freedom of Information-Privacy Act (FOIA–PA) Records System,'' JUSTICE/JMD–019 (52 FR 47,272, Dec. 11, 1987); ''Freedom of Information Act/Privacy Act (FOIA/PA) Request Letters,'' JUSTICE/JMD–020 (52 FR 47,274, Dec. 11, 1987)
Land and Natural Resources Division, ''Freedom of Information Act and Privacy Act Records System,'' JUSTICE/LDN–005 (48 FR 5363, Feb. 4, 1983)
Office of the Inspector General, ''Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records,'' JUSTICE/OIG–003 (56 FR 50,947, Oct. 9, 1991)
Office of Legal Counsel, ''Office of Legal Counsel Freedom of Information Act and Privacy Act Files,'' JUSTICE/OLC–003 (59 FR 9497, Feb. 28, 1994)
Office of Legal Policy, ''Freedom of Information and Privacy Appeals Index,'' JUSTICE/OPA–001 (50 FR 42,615, Oct. 21, 1985); ''Declassification Review System,'' JUSTICE/OLP–004 (51 FR 4825, Feb. 7, 1986)
Office of the Pardon Attorney, ''Freedom of Information/Privacy Acts (FOI/PA) Request File,'' JUSTICE/OPA–003 (58 FR 6982, Feb. 3, 1993)
Office of Professional Responsibility, ''Freedom of Informationt/Privacy Act (FOI/PA) Records,'' JUSTICE/OPR–002 (63 FR 68,300, Dec. 10, 1998)
Office of Special Counsel for Immigration Related Unfair Employment Practices, ''Freedom of Information; Privacy Acts Records,'' JUSTICE/OSC–004 (53 FR 35,927, Sept. 15, 1988)
Tax Division, ''Freedom of Information—Privacy Act Request Files,'' JUSTICE/TAX–004 (48 FR 5377, Feb. 4, 1983)
United States Marshals Service, ''U.S. Marshals Service Freedom of Information/Privacy Act (FOIA/PA) Files,'' JUSTICE/USM–012 (64 FR 60,844, Nov. 8, 1999)
United States Parole Commission, ''Freedom of Information Act Record System,'' JUSTICE/PRC–002 (52 FR 47,282, Dec. 11, 1987)

In addition, this system includes certain records identified as, ''62. Administrative Inquiries,'' where such records concern requests for mandatory declassification review, and those records identified as, ''190. Freedom of Information/Privacy Acts'' in the Federal Bureau of Investigation's system entitled, ''The FBI Central Records System,'' JUSTICE/FBI–002 (63 FR 8671, 8676, Feb. 20, 1998).

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by [30 days after publication in the **Federal Register**]. The public, OMB, and the Congress are invited to submit any comments to Mary E. Cahill, Management and Planning Staff, Justice Management Division, United States Department of Justice, Washington, DC, 20530–0001 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: May 15, 2001.

Janis A. Sposato,

Acting Assistant Attorney General for Administration.

Department of Justice–004

SYSTEM NAME:

Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals for the Department of Justice.

SYSTEM LOCATION:

United States Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC 20530–0001, and other Department of Justice offices throughout the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit Freedom of Information Act (FOIA), Privacy Act, and Mandatory Declassification Review Requests and administrative appeals to the Department of Justice; individuals whose requests and/or records have been referred to the Department of Justice by other agencies; and in some instances includes attorneys representing individuals submitting such requests and appeals, individuals who are the subjects of such requests and appeals, and/or the Department of Justice personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of records created or compiled in response to FOIA, Privacy Act, and Mandatory Declassification Review requests and administrative appeals and includes: The original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation; and, in some instances, copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101 to implement the provisions of 5 U.S.C. 552 and 5 U.S.C. 552a, and the applicable executive order(s) governing classified national security information.

PURPOSE(S):

This system is maintained for the purpose of processing access requests and administrative appeals under the FOIA, access and amendment requests and administrative appeals under the Privacy Act, and requests and administrative appeals for mandatory declassification review under the applicable executive order(s) governing classified national security information; for the purpose of participating in litigation regarding agency action on such requests and appeals; and for the purpose of assisting the Department of Justice in carrying out any other responsibilities under the FOIA, the Privacy Act, and applicable executive orders.

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

Information may be disclosed from this system as follows:

A. To a federal, state, local, or foreign agency or entity for the purpose of

consulting with that agency or entity to enable the Department of Justice to make a determination as to the propriety of access to or correction of information, or for the purpose of verifying the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment of information.

B. To a federal agency or entity that furnished the record or information for the purpose of permitting that agency or entity to make a decision as to access to or correction of the record or information, or to a federal agency or entity for purposes of providing guidance or advice regarding the handling of particular requests.

C. To a submitter or subject of a record or information in order to obtain assistance to the Department in making a determination as to access or amendment.

D. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

E. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

F. In the event that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, foreign, or tribal law enforcement authority or other appropriate agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

G. To officials and employees of a federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

H. To federal, state, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

I. In a proceeding before a court or adjudicative body before which the Department of Justice is authorized to appear when (a) the Department of Justice, or any subdivision thereof, or (b) any employee of the Department of Justice in his or her official capacity, or (c) any employee of the Department of Justice in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Department of Justice determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Department of Justice to be arguably relevant to the litigation.

J. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

K. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

L. To a former employee of the Department of Justice for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

M. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

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

STORAGE:

Records in this system are stored on paper and/or in electronic form. Records that contain national security information and are classified are stored in accordance with applicable executive orders, statutes, and agency implementing regulations.

RETRIEVABILITY:

Records are retrieved by the name of the requester or appellant; the number assigned to the request or appeal; and in some instances may be retrieved by the name of the attorney representing the requester or appellant, the name of an individual who is the subject of such a request or appeal, and/or the name or other identifier of Department of Justice personnel assigned to handle such requests or appeals. Immigration and Naturalization Service records are also retrieved by alien number and social security number.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules, and policies, including the Department's automated systems security and access policies. Classified information is appropriately stored in safes and in accordance with other applicable requirements. In general, records and technical equipment are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Office of Information and Privacy, United States Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001.

NOTIFICATION PROCEDURES:

Records concerning initial requests under the FOIA, the Privacy Act, and the applicable executive order(s) governing classified national security information are maintained by the individual Department of Justice component to which the initial request was addressed or directed. Inquiries regarding these records should be addressed to the particular Department of Justice component maintaining the records, United States Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001.

Records concerning administrative appeals under the FOIA, the Privacy Act, and the applicable executive order(s) governing classified national security information, with the exception of those made to the United States Parole Commission, are maintained by the Office of Information and Privacy. Inquiries regarding these records should be addressed to the Office of Information and Privacy, United States Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001. Inquiries regarding administrative appeals made to the United States Parole Commission should be addressed

to the United States Parole Commission, United States Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001.

RECORD ACCESS PROCEDURES:

Requests for access may be made by appearing in person or by writing to the appropriate office indicated in the ''Notification Procedures'' section, above. The envelope and letter should be clearly marked ''Privacy Act Request.'' The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Some information may be exempt from access as described in the section entitled ''Systems Exempted from Certain Provisions of the Act.'' An individual who is the subject of a record in this system may access those records that are not exempt from disclosure. A determination of whether a record may be accessed will be made after a request is received.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/PA Mail Referral Unit, Justice Management Division, United States Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530–0001, or on the Department of Justice Web site at *www.usdoj.gov/04foia/att_d.htm.*

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system should direct their requests to the appropriate office indicated in the ''Notification Procedures'' section, above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Some information may be exempt from contesting record procedures as described in the section entitled ''Systems Exempted from Certain Provisions of the Act.'' An individual who is the subject of a record in this system may seek amendment of those records that are not exempt. A determination of whether a record is exempt from amendment will be made after a request is received.

RECORD SOURCE CATEGORIES:

Those individuals who submit initial requests and administrative appeals pursuant to the FOIA, the Privacy Act, or the applicable executive order(s) governing classified national security information; the agency records searched in the process of responding to such requests and appeals; Department of Justice personnel assigned to handle such requests and appeals; other agencies or entities that have referred to the Department of Justice requests concerning Department of Justice records, or that have consulted with the Department of Justice regarding the handling of particular requests; and submitters or subjects of records or information that have provided assistance to the Department of Justice in making access or amendment determinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d)(1), (2), (3), and (4); (e)(1), (2), (3), (5), and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e), and have been published in the **Federal Register**.

[FR Doc. 01–13861 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–FB–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. The News Corporation Limited, Fox Television Holdings, Inc., and Chris-Craft Industries, Inc. Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)–(h), that a Complaint, proposed Final Judgment, Hold Separate Stipulation and Order, and Competitive Impact Statement were filed with the U.S. District Court for the District of Columbia in United States v. News Corporation Limited, Fox Television Holdings, Inc., and Chris-Craft Industries, Inc., Civ. Action No. 1:01CV00771. On April 11, 2001, the United States filed a Complaint, which sought to enjoin The News Corporation Limited (''News Corp'') and its subsidiary, FOX Television Holdings, Inc., from acquiring Chris-Craft Industries (''Chris-Craft''). The Complaint alleged that News Corp's acquisition of Chris-Craft would substantially lessen competition in the sale of broadcast television spot advertising in violation of the Clayton Act, as amended, 15 U.S.C. 18, in the Salt Lake City, Utah market. The proposed Final Judgment, also filed on April 11, 2001, requires defendants to divest KTVX–TV, a Salt Lake City, Utah ABC affiliate, to preserve competition in the sale of broadcast television spot advertising time in the Salt Lake City market. A Hold Separate Stipulation and Order, entered by the Court on April 16, 2001, requires defendants to maintain, prior to divestiture, the competitive independence and economic viability of the assets subject to divestiture under the proposed Final Judgment. A Competitive Impact Statement filed by the United States describes the Complaint, proposed Final Judgment, Hold Separate Stipulation and Order, and the remedies available to private litigants who may have been injured by the alleged violations.

Copies of the Complaint, proposed Final Judgment, Hold Separate Stipulation and Order and Competitive Impact Statement are available for inspection at the U.S. Department of Justice, Antitrust Division, 325 Seventh Street, NW., Room 215, Washington, DC 20530 (telephone: 202–514–2481), and at the Clerk's Office of the United States District Court for the District of Columbia, Washington, DC. Copies of these materials may be obtained upon request and payment of a copying fee.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (telephone: 202–307–0924).

Constance K. Robinson,

Director of Operations and Merger Enforcement.

United States District Court for the District of Columbia

[Civil Action No. 01 0771]

United States of America, Plaintiff, v. The News Corporation Limited, Fox Television Holdings, Inc., and Chris-Craft Industries, Inc., Defendants.

Filed: Apr. 17, 2001

Hold Separate Stipulation and Order

It is hereby stipulated and agreed by and between the undersigned parties, subject to approval and entry by the Court, that:

I. Definitions

As used in this Hold Separate Stipulation and Order:

A. ''News Corp'' means defendant The News Corporation Limited, and Australian corporation with its

headquarters in Sydney, New South Wales, Australia, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

B. ''FOX'' means defendant FOX Television Holdings, Inc., a Delaware corporation and a wholly owned subsidiary of News Corp with headquarters in Los Angeles, California, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Chris-Craft'' means defendant Chris-Craft Industries, Inc., a Delaware corporation with its headquarters in New York, New York, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''KTVX–TV'' means the broadcast television station located in the Salt Lake City DMA owned by defendant Chris-Craft through its subsidiary United Television, Inc. operating at Channel 4.

E. ''Divestiture Assets'' means all of the assets, tangible or intangible, used in the operation of KTVX–TV, including, but not limited to, all real property (owned or leased) used in the operation of the station, all broadcast equipment, office equipment, office furniture, fixtures, materials, supplies, and other tangible property used in the operation of the station: all licenses, permits, authorizations, and applications therefor issued by the Federal Communications Commission (''FCC'') and other government agencies related to that station; all contracts (including programming contracts and rights), agreements, network affiliation agreements, leases and commitments and understandings of defendant Chris-Craft relating to the operation of KTVX–TV; all trademarks, service marks, trade names, copyrights, patents, slogans, programming materials, and promotional materials relating to KTVX–TV; all customer lists, contracts, accounts, and credit records; and all logs and other records maintained by defendant Chris-Craft in connection with KTVX–TV.

F. ''KSTU–TV'' means the broadcast television station located in the Salt Lake City DMA owned by defendant News Corp through its subsidiary FOX operating at Channel 13.

G. ''DMA'' means designated market area as defined by A.C. Nielsen Company based upon viewing patterns and used by the *Investing In Television BIA Market Report 2000 (3rd edition*). DMAs are ranked according to the number of households therein and are used by broadcasters, advertisers and advertising agencies to aid in evaluating television audience size and composition.

H. ''Acquirer'' means the entity to whom defendants divest the Divestiture Assets.

II. Objectives

The Final Judgment filed in this case is meant to ensure defendants' prompt divestiture of the Divestiture Assets for the purpose of maintaining a viable competitor in the sale of television advertising time in the Salt Lake City DMA and to remedy the anticompetitive effects that the United States alleges would otherwise result from News Corp's proposed acquisition of Chris-Craft. This Hold Separate Stipulation and Order ensures, prior to such divestiture, that the Divestiture Assets remain independent, economically viable, and an ongoing business concern that will remain independent and uninfluenced by the consummation of News Corp's acquisition of Chris-Craft, and that competition is maintained during the pendency of the ordered divestiture.

III. Jurisdiction and Venue

The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the United States District Court for the District of Columbia.

IV. Compliance With and Entry of Final Judgment

A. The parties stipulate that a Final Judgment in the form attached hereto as Exhibit A may be filed with and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

B. Defendants shall abide by and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

C. Defendants shall not consummate the transaction sought to be enjoined by the Complaint herein before the Court has signed this Hold Separate Stipulation and Order.

D. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

E. In the event (1) the United States has withdrawn its consent, as provided in Section IV(A) above, or (2) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

F. Defendants represent that the divestiture ordered in the prosed Final Judgment can and will be made, and that defendants will later raise no claim of mistake, hardship or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.

G. The parties recognize that there could be a delay in obtaining approval by or a ruling of a government agency related to the divestitures required by Section IV of the Final Judgment, notwithstanding the good faith efforts of the defendants and any prospective Acquirer, as defined in the Final Judgment. In this circumstance, plaintiff will, in the exercise of its sole discretion give special consideration to forbearing from applying for the appointment of a trustee pursuant to Section V(A) of the Final Judgment, or from pursuing legal remedies available to it as a result of such delay, provided that; (1) defendants have entered into one or more definitive agreements to divest the Divestiture Assets, as defined in the Final Judgment, and such agreements and the Acquirer have been approved by the United States; (2) all papers necessary to secure any governmental approvals and/or rulings to effectuate such divestitures (including but not limited to the FCC, Securities and Exchange Commission, and Internal Revenue Service approvals or rulings) have been filed with the appropriate agency; (3) receipt of such approvals are the only closing conditions that have

not been satisfied or waived; and (4) defendants have demonstrated that neither they nor the prospective Acquirer is responsible for such delay.

V. Hold Separate Provisions

Until the divestiture required by the Final Judgment has been accomplished:

A. Defendants shall preserve, maintain, and continue to operate KTVX–TV as a competitively independent, ongoing economically viable competitive business, with its assets, management, decision-making functions and operations separate, distinct, and apart from KTSU–TV and News Corp's and FOX's other operations. Within twenty (20) calendar days after the entry of this Hold Separate Stipulation and Order, defendants will inform the United States of the steps defendants have taken to comply with this Hold Separate Stipulation and Order.

B. Defendants shall take all steps necessary to ensure that (1) KTVX–TV will be maintained and operated as an independent, ongoing, economically viable and active competitor to the other television stations in the Salt Lake City DMA; (2) management of KTVX–TV, including the performance of decision-making functions regarding marketing and pricing, will be kept separate and apart from and not influenced by defendant News Corp or FOX; and (3) the books, records, competitively sensitive sales, marketing and pricing information, and decision-making associated with KTVX–TV will be kept separate and apart from that of KSTU–TV and News Corp's or FOX's other operations.

C. Defendants shall use all reasonable efforts to maintain and increase sales of advertising time by KTVX–TV and shall maintain at 2000 or previously approved levels for 2001, whichever are higher, promotional, advertising, sales, technical assistance, marketing and merchandising support for KTVX–TV.

D. Defendants shall provide sufficient working capital and lines and sources of credit to continue to maintain the Divestiture Assets as an economically viable and competitive ongoing business, consistent with the requirements of Sections V(A) and V(B).

E. Defendants shall take all steps necessary to ensure that the Divestiture Assets are fully maintained in operable condition and shall maintain and adhere to normal repair and maintenance schedules for the Divestiture Assets.

F. Defendants shall not, except as part of a divestiture approved by the United States in accordance with the terms of the Final Judgment, remove, sell, lease, assign, transfer, license, pledge for collateral, or otherwise dispose of any of the Divestiture Assets.

G. Defendants shall maintain, in accordance with sound accounting principles, separate, accurate and complete financial ledgers, books and records that report on a periodic basis (such as the last business day of every month), consistent with past practices, the assets, liabilities, expenses, revenues, and income of the Divestiture Assets.

H. Defendants shall take no action that would jeopardize, delay, or impede the sale of the Divestiture Assets.

I. Defendants' employees with primary responsibility for sales, marketing and programming of KTVX–TV shall not be transferred or reassigned to any other station, except for transfer bids initiated by employees pursuant to each defendant's regular, established job posting policy. Defendants shall provide the United States with ten (10) calendar days' notice of such transfer.

J. Prior to consummation of their transaction, defendants shall appoint Gregory Nathanson to oversee the Divestiture Assets, and who will be responsible for defendants' compliance with this section. Gregory Nathanson shall have complete managerial responsibility for the Divestiture Assets, subject to the provisions of the Final Judgment. In the event he is unable to perform his duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

K. Defendants shall take no action that would interfere with the ability of any trustee appointed pursuant to the Final Judgment to monitor and complete the divestiture pursuant to the Final Judgment to a purchaser acceptable to the United States.

L. This Hold Separate Stipulation and Order shall remain in effect until consummation of the divestiture required by the proposed Final Judgment or until further order of the Court.

Dated: April 11, 2001.

For Plaintiff, United States of America.

Carolyn L. Davis,

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Respectfully submitted,

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Order

It Is So Ordered by the Court, this 16th day of April, 2001.

Coller Kolla-Kotelly,

United States District Judge.

United States District Court for the District of Columbia

[Civil Action No. 01 0771]

United States of America, Plaintiff, v. The News Corporation Limited, Fox Television Holdings, Inc., and Chris-Craft Industries, Inc., Defendants.

Final Judgment

Whereas, plaintiff, United States of America, filed its Complaint on April 11th, 2001, plaintiff and defendants, The News Corporation Limited (''News Corp''), Fox Television Holdings, Inc. (''FOX''), and Chris-Craft Industries, Inc. (''Chris-Craft''), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any part regarding any issue of fact or law.

And Whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

And Whereas, plaintiff requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And Whereas, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, Therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is Ordered, Adjudged, and Decreed:

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a

claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''News Corp'' means defendant The News Corporation Limited, an Australian corporation with its headquarters in Sydney, New South Wales, Australia, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

B. ''FOX'' means defendant FOX Television Holdings, Inc., a Delaware corporation and a wholly owned subsidiary of News Corp with headquarters in Los Angeles, California, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Chris-Craft'' means defendant Chris-Craft Industries, Inc., a Delaware corporation with its headquarters in New York, New York, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''KTVX–TV'' means the broadcast television station located in the Salt Lake City DMA owned by defendant Chris-Craft through its subsidiary United Television, Inc. operating at Channel 4.

E. ''Divestiture Assets'' means all of the assets, tangible or intangible, used in the operation of KTVX–TV, including, but not limited to, all real property (owned or leased) used in the operation of the station, all broadcast equipment, office equipment, office furniture, fixtures, materials, supplies, and other tangible property used in the operation of the station; all licenses, permits, authorizations, and applications therefore issued by the Federal Communications Commission (''FCC'') and other government agencies related to that station; all contracts (including programming contracts and rights), agreements, network affiliation agreements, leases and commitments and understandings of defendant Chris-Craft relating to the operation of KTVX–TV; all trademarks, service marks, trade names, copyrights, patents, slogans, programming materials, and promotional materials relating to KTVX–TV; all customer lists, contracts, accounts, and credit records; and all logs and other records maintained by defendant Chris-Craft in connection with KTVX–TV.

F. ''DMA'' means designated market area as defined by A.C. Nielsen Company based upon viewing patterns and used by the *Investing In Television BIA Market Report 2000 (3rd edition)* DMAs are ranked according to the number of households therein and are used by broadcasters, advertisers and advertising agencies to aid in evaluating television audience size and composition.

G. ''Acquirer'' means the entity to whom defendants divest the Divesture Assets.

III. Applicability

A. This Final Judgment applies to News Corp, FOX, and Chris-Craft, as defined above, and all other persons in active concert or participation with either of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. Defendants shall require, as a condition of the sale or other disposition of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, that the purchaser agrees to be bound by the provisions of this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer acceptable to the United States in its sole discretion, before the later of (1) one hundred and fifty (150) calendar days after the filing of the Complaint in this matter or (2) five (5) days after notice or the entry of this Final Judgment by the Court. The United States, in its sole discretion, may agree to an extension of this time period of up to two thirty (30) day time periods, not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Assets, and to obtain all regulatory approvals necessary for such divestitures, as expeditiously as possible.

B. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process, except such information or documents subject to the attorney-client or work product privileges. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

C. Defendants shall provide the Acquirer and the United States information relating to the personnel involved in the operation of the Divestiture Assets to enable the Acquirer to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer to employ any defendant employee whose primary responsibility relates to the operation of the Divestiture Assets.

D. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of the television station to be divested; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendants shall warrant to the Acquirer of the Divestiture Assets that the assets will be operational on the date of sale.

F. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

G. Defendants shall warrant to the Acquirer of the Divestiture Assets that there are no material defects in the environmental, zoning or other permits pertaining to the operation of the assets, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning or other permits relating to the operation of the Divestiture Assets.

H. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer as part of a viable, ongoing commercial television broadcasting business. The divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestiture, whether pursuant to Section IV or V of this Final Judgment,

(1) Shall be made to an Acquirer that, in the United States's sole judgment, has the

intent and capability (including the necessary managerial, operational, and financial capability) of competing effectively in the commercial television broadcasting business in the Salt Lake City DMA; and

(2) Shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and defendants give defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer to compete effectively.

V. Appointment of Trustee

A. If defendants have not divested the Divestiture Assets within the time period specified in Section IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a trustee become effective, only the trustee shall have the right to sell the Divestiture Assets. The trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the trustee, subject to the provisions of Sections IV, V and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V(D) of this Final Judgment, the trustee may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the trustee, reasonably necessary in the trustee's judgment to assist in the divestiture.

C. Defendants shall not object to a sale by the trustee on any ground other than the trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section VI.

D. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as the United States approves, and shall account for all monies derived from the sale of the assets sold by the trustee and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the trustee and any professionals and agents retained by the trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount.

E. Defendants shall use their best efforts to assist the trustee in accomplishing the required divestiture. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities related to the business to be divested and defendants shall develop financial and other information relevant to such business as the trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information. Defendants shall take no action to interfere with or to impede the trustee's accomplishment of the divestiture.

F. After its appointment becomes effective, the trustee shall file monthly reports with the United States and the Court, setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the trustee has not accomplished such divestiture within six (6) months after its appointment, the trustee shall promptly file with the court a report setting forth: (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. To the extent such reports contain information that the trustee deems confidential, such report shall not be filed in the public docket of the Court. The trustee at the same time shall furnish such report to the United States, who shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of this Final Judgment, which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

VI. Notice of Proposed Divestiture

A. Within two (2) business days following execution of a definitive divestiture agreement, defendants or the trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendants, the proposed Acquirer, any other third party, or the trustee if applicable additional information concerning the proposed divestiture, the proposed Acquirer and any other potential Acquirer. Defendants and the trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer, any third party and the trustee, whichever is later, the United States shall provide written notice to defendants and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section V(C) of this final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or V shall not be consummated. Upon objection by defendants under Section V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to this Final Judgment.

VIII. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint and every thirty (30) calendar days thereafter until the divestiture has been completed, whether pursuant to Section IV or V of this Final Judgment, defendants shall deliver to the United States an affidavit as to the fact and manner of their compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any person during that period. Each such affidavit shall also include a description of the efforts that defendants have taken to solicit buyers for the Divestiture Assets and to provide required information to prospective purchasers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitations on information, shall be made within fourteen (14) days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this manner, defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section IV of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

IX. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time duly authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(1) access during defendants' office hours to inspect and copy or, at plaintiff's option, to require defendants provide copies of, all books, ledgers, accounts, records and documents in the possession, custody, or control of the defendants, who may have counsel present, relating to any matters contained in this Final Judgment, and

(2) to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the interviewee's reasonable convenience and without restraint or interference by defendants.

B. Upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit such written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then the United States shall give defendants ten (10) calendar days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

X. No Reacquisition

During the term of this Final Judgment, defendants may not reacquire any part of the Divestiture Assets or enter into any local marketing agreement, joint sales agreement, or any other cooperative selling arrangement with respect to the Divestiture Assets.

XI. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XII. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XIII. Public Interest Determination

Entry of this Final Judgment is in the public interest.

Court Approval Subject to Procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16.

United States District Court for the District of Columbia

[Civil Action No. 1:01cv00771]

United States of America, Plaintiff, v. The News Corporation Limited, Fox Television Holdings, Inc., Chris-Craft Industries, Inc., Defendants.

Judge: Colleen Kollar-Kotelly

Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. § 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States filed a civil antitrust Complaint on April 11, 2001, alleging that the proposed acquisition of Chris-Craft Industries, Inc. (''Chris-Craft'') by The News Corporation Limited (''News Corp'') and Fox Television Holding, Inc. (''FOX'') would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. The Complaint alleges that the acquisition will result in News Corp's KSTU–TV, a FOX affiliate, and Chris-Craft's KTVX–TV, an ABC affiliate, being under New Corp's ownership and control. These two stations together account for approximately 40% of the broadcast television spot advertising revenue in the Salt Lake City market and currently compete vigorously against one another because local and national business consumers find them close substitute due to the demographic reach of the stations.

As alleged in the Complaint, the proposed transaction would likely lead to higher prices for advertisers who

purchase broadcast television spot advertising in the Salt Lake City market. Accordingly, the prayer for relief in the Complaint seeks: (a) adjudication that News Corp's proposed acquisition of Chris-Craft described in the Complaint would violate Section 7 of the Clayton Act; (b) preliminary and permanent injunctive relief preventing the consummation of the proposed acquisition; (c) an award to the United States of the costs of this action; and (d) such other relief as is just and proper.

Shortly before the Complaint was filed, the United States reached a proposed settlement that would permit News Corp and Chris-Craft to consummate their acquisition provided that they divest KTVX–TV, the television station News Corp will acquire from Chris-Craft in Salt Lake City. The settlement consists of a proposed Final Judgment and a Hold Separate Stipulation and Order, which were filed simultaneously with the Complaint on April 11, 2001. The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment, and a punish violations thereof.

II. The Alleged Violation

A. The Defendants

News Corp is a foreign corporation existing under the laws of Australia and has its headquarters and principal place of business in Sydney, New South Wales, Australia. News Corp, through its subsidiary, FOX, owns 23 television stations in the United States. News Corp also owns cable and satellite distribution businesses and produces films for the television and the motion picture industries. FOX is a corporation existing under the laws of Delaware with its headquarters in Los Angeles, California. Through its subsidiaries, FOX owns and operates television stations in the United States, including KSTU–TV in Salt Lake City.

Chris-Craft is a corporation existing under the laws of Delaware with its headquarters in New York, New York. Chris-Craft, through its subsidiaries, BHC and United Television, owns and operates 10 television stations in the United States, including KTVX–TV in Salt Lake City.

B. Description of the Events Giving Rise to the Alleged Violation

On August 13, 2000, News Corp; News Publishing Australia Ltd., a subsidiary of News Corp; FOX; and Chris-Craft, and its subsidiaries, BHC and United Television, entered into a $5.3 billion plan of merger under which News Corp would acquire Chris-Craft, BHC, and United Television. This proposed acquisition, which would lessen competition substantially in the provision of broadcast television spot advertising time in the Salt Lake City market, precipitated the United State's antitrust suit.

C. Anticompetitive Consequences of the Proposed Acquisition

1. *The Sale of Broadcast Television Spot Advertising Time in the Salt Lake City DMA.* The Complaint alleges that the provision of spot advertising time on broadcast television stations serving the Salt Lake City DMA[1] constitutes a relevant product market under Section 7 of the Clayton Act. Broadcast television spot advertising comprises the majority of a broadcast television station's revenues and is sold either directly by the station, or through its national representative, or a localized, market-by-market basis. It is purchased by advertisers who want to target potential customers in specific geographic markets and differs from network and syndicated television advertising, both of which are sold by the major television networks and producers of syndicated programs on a nationwide basis and broadcast in every market where the network or syndicated program is aired.

Broadcast television spot advertising possesses unique attributes that set it apart from advertising using other types of media. In particular, only television combines sight, sound, and motion, thereby creating a more memorable advertisement. Moreover, of all media, broadcast television spot advertising reaches the largest percentage of all potential customers in a particular target market and is therefore especially effective in introducing and establishing the image of a product. For a significant number of advertisers, broadcast television spot advertising, because of its unique attributes, is an advertising medium for which there is no close substitute. Such customers would not switch to another advertising medium—such as radio, cable, or newspaper—if broadcast television spot advertising prices increased by a small but significant amount.

Even though some advertisers may switch some of their advertising to other media rather than absorb an increase in the price of broadcast television spot advertising, the existence of such advertisers would not prevent stations from profitably raising their prices a small but significant amount. During individualized negotiations between advertisers and broadcast television stations, advertisers provide stations with information about their advertising needs, including their target audience. This enables television stations to identify advertisers with strong preferences for broadcast television advertising. At a minimum, broadcast television stations could profitably raise prices to those advertisers who view broadcast television as a necessary advertising medium either as their sole method of advertising or as a necessary complement to other advertising media. Thus, the complaint alleges that the relevant product market in which to assess the competitive effects of this acquisition is the sale of broadcast television spot advertising.

The complaint further alleges that the Salt Lake City DMA constitutes a relevant geographic market within the meaning of Section 7 of the Clayton Act. Signals from broadcast television stations located in Salt Lake City reach viewers throughout the Salt Lake City DMA, but signals from broadcast television stations located outside the Salt Lake City DMA reach few viewers within the Salt Lake City DMA. Advertiser's use broadcast television stations within the Salt Lake City DMA to reach the largest possible number of viewers within the entire DMA. Some of these advertisers are located in the Salt Lake City DMA and need to reach customers there while others are regional or national businesses that want to target consumers in the Salt Lake City DMA. Advertising on television stations outside the Salt Lake City DMA therefore is not an alternative for these advertisers because such stations cannot be viewed by a significant number of potential customers within the DMA.

2. *Harm to Competition in the Salt Lake City DMA.* The Complaint alleges that News Corp's acquisition of Chris-Craft will likely have the following effects:

a. competition in the sale of broadcast television spot advertising in the Salt Lake City DMA would be a substantially lessened;

[1] A ''DMA,'' or designated marketing area is a geographic unit defined by A.C. Nielsen Company, a firm that surveys television viewers and furnishes television stations, advertisers, and advertising agencies in a particular area with data to aid in evaluating audience size and composition. The Salt Lake City DMA generally encompasses the state of Utah.

b. actual and potential competition between KSTU–TV and KTVX–TV in the sale of broadcast television spot advertising in the Salt Lake City DMA would be eliminated; and

c. the prices for broadcast television spot advertising in the Salt Lake City DMA would likely increase.

Specifically, the proposed acquisition would give News Corp ownership of two of the top four broadcast stations in the Salt Lake City DMA and would increase its market share of broadcast television spot advertising revenue from approximately 21% to 40%. The acquisition would also further concentrate the already highly concentrated Salt Lake City market by increasing the Herfindahl-Hirschman Index (''HHI'') (a measure of market concentration explained in Appendix A of the Complaint) by 785 points. Furthermore, the Complaint alleges that KSTU–TV and KTVX–TV compete head-to-head against each other in the sale of broadcast television spot advertising, largely because the demographic appeal of their programming makes them close substitutes for a significant number of advertisers. Advertisers are able to ''play off'' KSTU–TV and KTVX–TV against each other and obtain competitive rates for programs that target similar demographics. After the acquisition, a significant number of advertisers will be unable to reach their desired audiences with equivalent efficiency unless they use News Corp's stations. The acquisition, therefore, would enable News Corp unilaterally to raise prices.

3. *Entry.* The Complaint alleges that entry is unlikely to be timely, likely, or sufficient to restore the competition lost through the acquisition. Other broadcast television stations in the Salt Lake City DMA would not change their programming in response to a price increase imposed by News Corp after the acquisition. Programming schedules are complex and carefully constructed taking many factors into account, such as audience flow, station identity, and program popularity. As a result, a television station is unlikely to risk repositioning simply to capitalize on a small but significant price increase by News Corp after the acquisition.

Further, new entry into the Salt Lake City DMA is unlikely inasmuch as the Federal Communications Commission (''FCC'') regulates entry through the issuance of licenses, which are difficult to obtain. Even if a new signal became available, commercial success would come over a period of many years at best. Thus, entry into the Salt Lake City DMA broadcast television spot advertising market would not be timely, likely, or sufficient to deter News Corp from unilaterally raising prices.

III. Explanation of the Proposed Final Judgment

A. Divestiture and Hold Separate Provisions

The proposed Final Judgment will preserve competition in the sale of broadcast television spot advertising time in the Salt Lake City DMA by requiring the defendants to divest KTVX–TV, the Salt Lake City television station that News Corp will acquire as a result of the acquisition. The sale of KTVX–TV will eliminate completely the overlap created in Salt Lake City by the acquisition thereby completely restoring the pre-merger market structure and resolving any competitive concerns.

The divestiture requirements of the proposed Final Judgment, as stated in Section IV, direct defendants to divest KTVX–TX within one hundred fifty (150) days after filing of the Complaint or five (5) days after notice of the entry of the Final Judgment by the Court, whichever is later. The divestiture must be made to a buyer that in the United States' sole judgment has the intent and capability of competing effectively in the commercial television broadcast business in the Salt Lake City market. The United States, in the exercise of its sole discretion, may extend this time for two additional thirty (30) day periods. Defendants must use their best efforts to divest KTVX–TV as expeditiously as possible and, until the ordered divestiture takes place, the defendants must cooperate with any prospective purchasers.

Under the Hold Separate Stipulation and Order, until the ordered divestiture takes place, defendants shall preserve, maintain, and continue to operate KTVX–TX as a competitively independent, ongoing economically viable competitive business, with its assets, management, decision-making functions, and operations separate, distinct, and apart from KSTU–TV's and News Corp's other operations.

B. Trustee Provisions

In the event defendants fail to make the required divestiture of KTVX–TV within the time periods set forth in the proposed Final Judgment, a trustee will be appointed by the Court to effect the divestiture. News Corp will pay all costs and expenses of any trustee and of any professionals and agents retained by the trustee. After appointment, the trustee will report monthly to the United States, News Corp, and the Court on its efforts to accomplish the required divestiture. If the trustee has not accomplished the divestiture within six (6) months of its appointment, it shall inform the Court of its efforts to accomplish the required divestiture, the reasons the required divestiture has not been accomplished, and the trustee's recommendations.

C. Ban on Reacquisition

The defendants may not reacquire or enter into any local marketing agreement, joint sales agreement, or any other cooperative selling arrangement with respect to KTVX–TV during the term of the consent decree, which is for 10 years unless extended by the Court. The reacquisition of KTVX–TV, as well as arrangements whereby News Corp would manage KTVX–TV or sell advertising time in coordination with (or on behalf of) KTVX–TV would undermine, if not negate, the benefits of the relief obtained in the Salt Lake City DMA. Accordingly, this provision is necessary to protect the integrity of the relief.

The relief in the proposed Final Judgment is intended to remedy the likely anticompetitive effects of News Corp's proposed acquisition of Chris-Craft in the broadcast television spot advertising market in the Salt Lake City DMA. Nothing in the Final Judgment is intended to limit the United States' ability to investigate or to bring actions, where appropriate, challenging other past or future activities of defendants in any other markets.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry. The United States will evaluate and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Any such written comments should be submitted to: J. Robert Kramer, II, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment, as well as to punish violations of its provisions.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits of its Complaint against defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against News Corp's acquisition of Chris-Craft. The United States is satisfied, however, that the divestiture of KTVX–TV and other relief contained in the proposed Final Judgment will preserve competition in the sale of the broadcast television spot advertising in the Salt Lake City DMA. Thus, the United States is convinced that the proposed Final Judgment, once implemented by the Court, will prevent News Corp's acquisition of Chris-Craft from having adverse competitive effects.

VII. Standard of Review Under the APPA for Proposed Final Judgment

The APPA requires that the proposed consent judgments in antitrust cases brought by the United States be subject to a sixty (60) day comment period, after which the Court shall determine whether entry of the proposed Final Judgment is ''in the public interest''. In making that determination, the Court *may* consider—

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e). As the United States Court of Appeals for the District of Columbia Circuit held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient and whether the device may positively harm third parties. *See United States v. Microsoft Corp.,* 56 F.3d 1448, 1458–62 (D.C. Cir. 1995).

In conducting this inquiry, ''the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' [2] Rather,

absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. Mid-America Dairymen, Inc., 1977–1 Trade Cas. ¶ 61,508, at 71,980, (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States v. BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (*quoting United States v. Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir.), *cert. denied,* 454 U.S. 1083 (1981)); *see also Microsoft,* 56 F.3d at 1458–62. Precedent requires that:

The balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[3]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a Final Judgment requires a standard more flexible and less strict than the standard required for a finding of liability. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' [4]

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft*, 56 F.3d at 1459. Because the ''Court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that the court ''is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States might have, but did not pursue. *Id.*

[2] 119 *Cong. Rec.* 24598 (1973); *see also United States v. Gillette Co.,* 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, *see* 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See* H.R. Rep. 93–1463, at 8–9 (1974), *reprinted in* 1974 U.S.C.C.A.N. 6535, 6538.

[3] *Bechtel,* 648 F.2d at 666 (citations omitted)(emphasis added); *see BNS,* 858 F2d at 463; *United States v. National Broad, Co.,* 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *Gillette,* 406 F. Supp. at 716; *see also Microsoft,* 56 F.3d at 1461 (whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '' (citations omitted)).

[4] *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States,* 460 U.S. 1001 (1983) (*quoting Gillette Co.,* 406 F. Supp. at 716); *see also United States v. Alcan Aluminum, Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985).

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United states in formulating the proposed Final Judgment.

Dated: May 14, 2001.
Respectfully submitted,

Carolyn L. Davis,
Trial Attorney, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530, (202) 514–5815.

Certificate of Service

I hereby certify under penalty of perjury that copies of the COMPETITIVE IMPACT STATEMENT have been served upon The News Corporation Limited; FOX Television Holdings, Inc., and Chris-Craft Industries, Inc., by placing copies of the aforementioned documents in the U.S. Mail, directed to each of the above-named parties at the addresses given below, this 14th day of May 2001.

The News Corporation Limited and FOX Television Holdings, Inc., c/o Lloyd Constantine, Constantine & Partners, 477 Madison Avenue, New York, NY 10022.

Chris-Craft Industries, Inc., c/o Neal Stoll, Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.

Carolyn L. Davis,
Senior Trial Attorney, United States Department of Justice, Antitrust Division, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530, (202) 514–5815.

[FR Doc. 01–13863 Filed 6–1–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—BizTech for Energy (''BizTech'')

Notice is hereby given that, on April 17, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), BizTech for Energy (''BizTech'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Nexen Petroleum USA, Dallas, TX has been added as a party to this venture. Also, Quillion Inc., Houston, TX; and enertia-software.com, Midland, TX have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BizTech intends to file additional written notification disclosing all changes in membership.

On December 22, 2000, BizTech filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13968).

Constance K. Robinson,
Director of Operations, Antitrust Division.

[FR Doc. 01–13858 Filed 6–1–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cable Television Laboratories, Inc.

Notice is hereby given that, on April 6, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Cable Television Laboratories, Inc. (''CableLabs'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, General Communications, Inc., Anchorage, AK; Cedar Communications, Arlington, WA; CWA Cable, Bracey, VA; FamilyView Cablevision, Seneca, SC; and Classic Communications Inc., Tyler, TX have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on July 11, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2000 (65 FR 57842).

Constance K. Robinson,
Director of Operations, Antitrust Division.

[FR Doc. 01–13856 Filed 6–1–01; 8:45 am]
BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on April 16, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Prometheus, Washington, DC; Campus Pipeline, Salt Lake City, UT; and Digital Learning Interactive, Medford, MA have been added as parties to this venture. Also, George Mason University, Fairfax, VA has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on January 23, 2001. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on March 2, 2001 (66 FR 13082).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–13857 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Center for Manufacturing Sciences, Inc. (Formerly Known as Michigan Materials and Processing Institute)

Notice is hereby given that, on April 29, 1998, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Center for Manufacturing Sciences, Inc. (formerly known as Michigan Materials and Processing Institute) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DASCOM, Inc., Santa Cruz, CA; Liburdi Dimetrics Corporation, Dundas, Ontario, CANADA; Liburdi Engineering Limited, Dundas, Ontario, CANADA; Liburdi Pulseweld Corporation, Dundas, Ontario, CANADA; and Northwest Mettech Corporation, Richmond, British Columbia, CANADA have been added as active members of this venture. Also, Ecole Polytechnique, Montreal, Quebec, CANADA; Materials Technology Laboratory, CANMET, Ottawa, Ontario, CANADA; and Natural Resources Canada, Ottawa, Ontario, CANADA have been added as associate members. Also, Cimetrix Incorporated, Midvale, UT; J.P. Industrial, Inc., Canton, MI; and Littleford Brothers, Inc., Florence, KY have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and National Center for Manufacturing Sciences, Inc. (formerly known as Michigan Materials and Processing Institute) intends to file additional written notification disclosing all changes in membership.

On August 7, 1990, Michigan Materials and Processing Institute (now known as National Center for Manufacturing Sciences) filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 6, 1990 (55 FR 36710).

The last notification was filed with the Department on February 9, 1998. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on July 24, 1998 (63 FR 39902).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–13865 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Secure Digital Music Initiative

Notice is hereby given that, on April 24, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Secure Digital Music Initiative (''SDMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, IBM, Endicott, NY; MediaMatec AG, Zuerich, SWITZERLAND; Winbond Electronics Corporation, Hsinchu, TAIWAN; J–Phone Communications, Tokyo, JAPAN; NTRU Cryptosystems, Inc., Burlington, MA; Imagination Technologies, Kings Langley, Hertfordshire, UNITED KINGDOM; MPMan.com. Inc., Seoul, REPUBLIC OF KOREA; Coding Technologies, Nuremberg. GERMANY; and SSFDC Forum, Tokyo, JAPAN have been added as parties to this venture. Also, Aegisoft Corporation, Rockville, MD; AMP3.com/JVWeb, New York, NY; Audio Matrix, New York, NY; BreakerTech, Beaconsfield, Berkshire, UNITED KINGDOM; CDWorld Corporation, New York, NY; C–ONE TECH Co., Ltd., Seoul, REPUBLIC OF KOREA; Comverse Technology, Tel-Aviv, ISRAEL; Digital Media on Demand, Allston, MA; Encoding.com/ Loudeye Technologies, Seattle, WA; Guillemot, Carentoir, FRANCE; I2GO.COM, Atlanta, GA; J.River, Inc., Minneapolis, MN; LG Electronic, Seoul, REPUBLIC OF KOREA; M.A.R.S. (Multimedia Archive and Retrieval System), London, UNITED KINGDOM; MODE (Music-on-Demand), London, UNITED KINGDOM; MusicMarc, Inc., Jerusalem, ISRAEL; News Corp (NDS Technologies), Los Angeles, CA; Perception Digital, Ltd. Hong Kong, HONG KONG—CHINA; Sphere Multimedia, Hallandale, FL; Supertracks.com, Portland, OR; URocket, Inc., Sunnyvale, CA; Wavo Corporation, Phoenix, AZ; AudioTrack Corporation, Toronto, Ontario, CANADA; Cognicity, Inc., Edina, MN; HitHive, Inc., Seattle, WA; ARTISTdirect, Los Angeles, CA; and Musicmaker.com, Inc., Reston, VA have been dropped from the venture.

No other changes have been made in either the membership or planned activity of this group research project. Membership in the group research project remains open, and SDMI intends to file additional written notification disclosing all changes in membership.

On June 28, 1999, SDMI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 2, 1999 (64 FR 67591).

The last notification was filed with the Department on September 21, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 24, 2000 (65 FR 70614).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–13855 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Silicon Integration Initiative, Inc.

Notice is hereby given that, on May 2, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Silicon Integration Initiative, Inc. (''SI2'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agilent Technologies, Inc., Palo Alto, CA; Partminer, Inc., Englewood, CO; Aprisa, Inc., Westlake

Village, CA; eChips, Inc., Austin, TX; Circuit Semantics, San Jose, CA; ChipData, Richardson, TX; eSilicon, Palo Alto, CA; Sequence Design, Santa Clara, CA; Intime Software, Cupertino, CA; Silicon Metrics, Austin, TX; and Web-Pro, Ltd., Hong Kong, HONG KONG-CHINA have been added as parties to this venture. Also, Hitachi, Ltd., Tokyo, JAPAN; SEMATECH, Austin, TX; Infineon Technologies, Munich GERMANY; and RAPID, Dallas, TX have been dropped as parties to this venture.

In addition, Questlink Technology, Inc., Austin, TX has merged into eChips, Austin, TX, and is itself no longer a member; Concurrent CAE Solutions, Inc., Santa Clara, CA was acquired by ChipData, Richardson, TX, and is itself no longer a member; and Frequency Technology, Inc., San Jose, CA has merged into Sequence Design, Santa Clara, CA, and is itself no longer a member.

Finally, SGS Thompson Microelectronics, Argate Brianza, ITALY has changed its name to STMicroelectronics, Argate Brianza, ITALY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SI2 intends to file additional written notifications disclosing all changes in membership.

On December 30, 1988, SI2 filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 1989 (54 FR 10456).

The last notification was filed with the Department on April 28, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 2, 2001 (66 FR 13083).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–13864 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJS)–1316]

Continuation of Federal Justice Statistics Program

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Justice.

ACTION: Solicitation for award of cooperative agreement.

SUMMARY: The purpose of this notice is to announce a public solicitation for the continuation of the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP). The FJSP serves as the national resource for data describing the processing of criminal cases in the Federal criminal justice system. Under this program, data generated by Federal criminal justice agencies are collected, maintained, analyzed, and archived. Data are also linked across agencies to permit more complex analyses of Federal criminal justice issues. Regular annual reports and special topical reports are prepared that describe the Federal criminal justice system, Federal defendants and offenses, and other special issues of interest. In addition, special tabulations are prepared, pursuant to BJS direction, in response to requests from government officials. The project to be funded under the proposed cooperative agreement will continue the program's current activities.

DATES: Proposals must be postmarked on, or before, July 20, 2001. Awards will be made by September 30, 2001. Project activities will commence on October 1, 2001.

ADDRESSES: Proposals should be mailed to: Applications Coordinator, Bureau of Justice Statistics, 810 7th Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: John Scalia, Program Manager, Federal Justice Statistics Program, Bureau of Justice Statistics. Phone: (202) 616–3276. E-mail: John.Scalia@usdoj.gov.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Justice Statistics Federal Justice Statistics Program (FJSP) was initiated in 1982 to serve as a central resource for information describing the processing of Federal criminal defendants and characteristics of those defendants. The program collects data from different components of the Federal criminal justice system and tracks the progress of suspects from investigation through prosecution, adjudication, sentencing, and corrections. The program represents the primary BJS effort describing the Federal criminal justice system and responds directly to the legislative authorization that BJS ''collect, analyze, and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime)'' as set forth in 42 U.S.C. 3732(c)(15).

In keeping with the original program plan which was designed to minimize data collection costs, no original data collection is supported under this program. Data are obtained from operational Federal agencies including the U.S. Marshals Service, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Executive Office for the United States Attorneys, the Administrative Office of the United States Courts, the Bureau of Prisons, and the United States Sentencing Commission. In order to trace the flow of cases from one stage to another and to supplement any individual agency's data, computer matching techniques have been developed that permit the linking of data obtained from different sources. The linking of these data permit more complex and detailed analysis of particular issues.

Throughout the history of the FJSP, a regular series of reports has been produced. These reports include the annual *Compendium of Federal Justice Statistics* (available on the Internet at http://www.ojp.usdoj.gov/bjs/abstract/cfjs99.htm) which describes, in detail, offenders processed at each stage of the Federal criminal justice system for a particular year, the annual *Federal Criminal Case Processing report* (available on the Internet at http://www.ojp.usdoj.gov/bjs/abstract/fccp99.htm) which present key statistics for the reporting year and trend for the past several years, and a series of Special Reports addressing specific aspects of the Federal criminal justice system, specific offenses, or other special issues of interest. Recent Special Reports include: Federal Criminal Appeals, 1999, with trends 1985–99 (available on the Internet *at http://www.ojp.usdoj.gov/bjs/fca99.htm),* Offenders Returning to Federal Prison, 1986–97 (available on the Internet at *http://www.ojp.usdoj.gov/bjs/abstract/orfp97.htm),* and Federal Firearm Offenders, 1992–98 (available on the Internet at *http://www.ojp.usdoj.gov/bjs/abstract/ffo98.htm).* In addition, the program serves as the primary source of information for other BJS statistical series that describe individuals in the Federal criminal justice system; program staff have also responded to ad hoc BJS requests for specific data tabulations and analyses from public officials and private citizens.

Objectives

The purpose of this award is to support the continuation of the Federal Justice Statistics Program. The recipient of funds will serve as the Federal Justice Statistics Resource Center whereby the recipient will continue to collect, maintain, and archive data from Federal justice agencies, produce annual reports (the *Compendium of Federal Justice Statistics* and *Federal Criminal Case*

Processing), and topical special reports. Any Special Reports prepared by the recipient will be prepared under the direction of BJS staff. In addition, BJS staff may also initiate Special Reports. The recipient will be expected to assist BJS staff with Special Reports by providing the necessary data for analysis and, when requested, assisting in the preparation of data tabulations and reviewing the methodology used to analyze the data.

Type of Assistance

Assistance will be made available under a cooperative agreement. Awards will be made for a period of 12 months with an option for two additional continuation years conditional upon the availability of funds and the quality of the initial performance and products. Costs are estimated at not to exceed $650,000 for the initial 12-month period. Funding for subsequent years may include reasonable increases for cost-of-living and changes in scope of work, where applicable.

Statutory Authority

The cooperative agreement to be awarded pursuant to this solicitation will be funded by the Bureau of Justice Statistics consistent with its mandate as set forth in 42 U.S.C. 3732.

Eligibility Requirements

Both for-profit and nonprofit organizations may apply for funds. Consistent with Office of Justice Programs fiscal requirements, no fees may be charged against this project by profit-making organizations.

Scope of Work

The objective of the proposed program is to continue basic activities initiated under the ongoing BJS Federal Justice Statistics Program. Specifically, the recipient of funds will serve as the Federal Justice Statistics Resource Center. The Resource Center will:

• *Maintain and expand the Federal Justice Statistics Program Database.* This will involve the collection, processing, and maintenance of data provided by Federal agencies participating in the program. The agencies currently participating in the program are: the U.S. Marshals Service, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Executive Office for the United States Attorneys, the Administrative Office of the United States Courts, the Bureau of Prisons, and the United States Sentencing Commission. (In addition to providing data describing the Federal courts' criminal docket, the Administrative Office also provides data describing the activities of the Federal pretrial services agencies and the Federal Probation and Supervision Service. The Federal Judicial Center has provided data describing the Federal courts' appellate docket.) The recipient should attempt to expand the program to include other Federal law enforcement agencies. The recipient will also be responsible for processing data to meet uniform classification categories and for linking data to permit analysis of data obtained from different sources.

• *Prepare tapes and related documentation for archiving in the national archive maintained by BJS.* The public use data tapes of the source data shall conform to BJS standards for submission to the National Archive of Criminal Justice Data at the University of Michigan. In addition, the recipient will prepare a set of standard analysis data files from each agency's source data for each fiscal year. These standard analysis data files will describe a particular cohort of defendants and will include all variables included in the source data and all variables created for the *Compendium of Federal Justice Statistics.* These standard analysis files will be included on a CD–ROM to be produced and distributed by BJS. The recipient will document each of the standard analysis data files and all programs used to create BJS reports. Such documentation, to the extent possible, will be maintained in an electronic database from which users can query variables of interest. This electronic data dictionary will also be included on the CD–ROM prepared by BJS. In addition, the recipient will document the methodology used to produce the *Compendium of Federal Justice Statistics,* including the production of the standard analysis data files.

• *Prepare the Compendium of Federal Justice Statistics and the Federal Criminal Case Processing report and submit both text and tables in camera-ready format for each Federal fiscal year.*

• *Prepare BJS Special Reports, data tabulations, analyses, data sets, and other data manipulations in response to BJS requests.* Any Special Reports proposed by the recipient will be designed in coordination with BJS. BJS will approve all Special Report topics proposed by the recipient.

• *Provide BJS with electronic access to the Federal Justice Statistics Resource Center (including all source data, standard analysis data files, and software used to produce BJS reports) and computing resources, as necessary.* In addition, the recipient must provide BJS staff with daily access to the standard analysis data files (for the most recent reporting period available) in a form in which variables name and values correspond to those included in the FJSP electronic data dictionary.

• *Provide Internet access to the Federal Justice Statistics Resource Center.* The recipient will provide direct access via the Internet to all FJSP data files from 1994 and onward and the electronic data dictionary. In addition, the recipient will provide Internet users with a World Wide Web-accessible query system for the Federal Justice Statistics Resource Center. Users must be provided with the capability of performing queries of the FJSP data bases to extract basic information describing individuals processed in the Federal criminal justice system. Statistics describing suspects and offenders will also be displayed by Federal judicial district consistent with any restrictions imposed by Federal agencies providing data. The Federal Justice Statistics Resource Center is currently located on the Internet at http://fjsrc.urban.org. All products developed for the Internet must be compliant with the accessibility standards and regulations promulgated pursuant to 29 U.S.C. § 794d.

Award Process

Proposals should describe, in appropriate detail, the procedures to be undertaken in furtherance of each of the activities described under the *Scope of Work.* Information provided should focus on activities to be conducted during the initial 12-month period but should also include a more general discussion of three-year objectives for the program. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project should be included. Resumes of the proposed project director and key staff should be included in the proposal.

Applications will be competitively reviewed by BJS. Final authority to enter into a cooperative agreement is reserved for the Director, BJS, or his designee, who may, in his discretion, determine that none of the applications shall be funded.

Applications will be evaluated on the overall extent to which they respond to criminal justice priorities, conform to the goals of the Federal Justice Statistics Program, and appear to be fiscally feasible and efficient. Applicants will be evaluated on the basis of:

• Knowledge of, and experience in, working with different components of the criminal justice system with particular emphasis on knowledge of

operational, management, and statistical data collected and maintained by various Federal criminal justice components;

• Statistical expertise in the area of data analysis, data linkage, and research;

• Experience in the application of statistical data to the analysis of criminal justice issues;

• Demonstrated ability to prepare high quality statistical reports;

• Availability of qualified professional and support staff and of suitable equipment for data processing and data manipulation;

• Demonstrated fiscal, management, and organizational capability suitable for providing sound program direction for this multi-faced effort;

• Demonstrated ability to design and maintain interactive sites on the World Wide Web; and

• Reasonableness of estimated costs for the total project and for individual cost categories.

Application Process

An original and five (5) copies of the proposal and all application materials must be submitted to BJS. All applicants are required to submit:

• Standard Form 424, Application for Federal Assistance;

• Budget Detail Worksheet (which replaced the SF 424A, Budget Information);

• OJP Form 4000/3 (Rev. 1–93), Assurances;

• OJP Form 4061/6 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements;

• A privacy certificate describing procedures for complying with Federal regulations relating to the confidentiality of information identifiable to a private person; and

• The BJS Screening Sheet for Protection of Human Subjects.

If appropriate, applicants must also complete and submit Standard Form LLL, Disclosure of Lobbying Activities. Applicants who have not previously received Federal funds from the Office of Justice Programs must also submit OJP Form 7210/1 (Rev. 1–93), Accounting System and Financial Capability Questionnaire. Detailed instructions for applicants of Federal Assistance and copies of all forms are available on the Internet at *http://www.ojp.usdoj.gov/bjs/apply.htm.*

Dated: April 27, 2001.

Lawrence A. Greenfeld,

Acting Director, Bureau of Justice Statistics.

[FR Doc. 01–11076 Filed 6–1–01; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

May 23, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316)), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: Center for Employment and Training (CET) Follow-up Survey.

OMB Number: 1205–0391.

Affected Public: Individuals or households.

Frequency: Two times per respondent.

Number of Respondents: 1,485.

Number of Annual Responses: 2,302.

Estimated Time Per Response: 37 minutes.

Total Burden Hours: 1,420.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The Center for Employment and Training (CET) Follow-up surveys provide long-term follow-up data on youth randomly assigned under the Evaluation of CET Replications Sites, an employment and training program for disadvantaged youth.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–13902 Filed 6–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

May 24, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ESA, and PWBA contact Marlene Howze ((202) 219–8904 or by email to Howze-Marlene@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of

the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Bureau of Labor Statistics (BLS).

Title: Veterans Supplement to the CPS.

OMB Number: 1220–0102.

Affected Public: Individuals or households.

Frequency: Biennially.

Number of Respondents: 14,400.

Number of Annual Responses: 14,400.

Estimated Time Per Response: 1 minute.

Total Burden Hours: 240.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The veterans supplement provides information on the number of characteristics of disabled veterans, veterans who served in the Vietnam War Theater, and recently separated veterans, including their employment status. The supplement also provides data on veterans' participation in various employment and training programs.

The Veterans Employment and Training Service (VETS) and the Department of Veterans Affairs (VA) will also use these data to determine policies that better meet the needs of our Nation's veteran population. Of current concern is the scope of the problems of the veterans as well as the effectiveness of veterans' benefit programs in meeting their needs. The collection of labor force data through the CPS helps BLS meet its mandate as set forth in Title 29, U.S.C., Sections 1 through 9.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–13903 Filed 6–1–01; 8:45 am]

BILLING CODE 4510–79–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

May 22, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ESA, and PWBA contact Marlene Howze ((202) 219–8904 or by email to Howze-Marlene@dol.gov). Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Employment Information Forms—WH–3 (English and Spanish Version).

OMB Number: 1215–0001.

Affected Public: Individuals or households; business or other for-profit; Not-for-profit institutions; Farms; Federal government; and State, Local or Tribal Government.

Frequency: On Occasion.

Number of Respondents: 39,000.

Number of Annual Responses: 39,000.

Estimated Time Per Response: 20 minutes.

Total Burden Hours: 13,000.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Section 11(a) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, provides that the Secretary of Labor (delegated to the Wage and House Division of the Employment Standards Administration) may investigate and gather data regarding the wages, hours or other conditions and practices of employment in any industry subject to the Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters deemed necessary or appropriate to determine whether any person has violated any provision of the FLSA.

Similar provisions are also contained in the Public Contracts Act (section 4 of 41 U.S.C. 38 *et seq.*), the Service Contract Act (section 3(b) of 41 U.S.C. 351 *et seq.*), the Davis-Bacon Act pursuant to Reorganization Plan No. 14 of 1950, the Consumer Credit Protection Act (section 306 of 15 U.S.C. 1671 *et seq.*), the Migrant and Seasonal Agricultural Worker Protection Act (section 512 of 29 U.S.C. 1801 *et seq.*), the Employee Polygraph Protection Act (section 5 of 29 U.S.C. 2001 *et seq.*) and the Family and Medical Leave Act of 1993 (section 106 of 29 U.S.C. 2654), which are enforced by the Wage and Hour Division.

Type of Review: Extension of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Medical Travel Refund Request.

OMB Number: 1215–0054.

Affected Public: Business or other for-profit; and Not-for-profit institutions.

Frequency: On Occasion.

Number of Respondents: 6,000.

Number of Annual Responses: 6,000.

Estimated Time Per Response: 10 minutes.

Total Burden Hours: 1,000.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: After a miner files an application for black lung benefits, the miner is scheduled for medical determination testing. The Black Lung Trust Fund is required to pay for this determination testing and for the travel costs associated with receiving this testing. The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 901 Section 20 CFR 725.701 and 725.406 necessitate the collection of this information by requiring that DOL provide such travel reimbursement. Pub. L. 106–113 authorizes provision of

the miner's Social Security Number. If the claim is approved, the miner is entitled to medical benefits directly related to the treatment of the miner's black lung disease, which include reimbursement of reasonable travel costs for that treatment. The CM–957 form is specifically designed to record all such costs and to serve as the miner beneficiary's formal request for reimbursement.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–13904 Filed 6–1–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10951, et al.]

Proposed Exemptions; Merganser Capital Management LP (Merganser), et al.

AGENCY: Pension and Welfare Benefits Administration, Labor

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests: All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. __, stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons: Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Merganser Capital Management LP (Merganser) Located in Cambridge, Massachusetts

[Application No. D–10951]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, August 10, 1990).

Section I. Transaction

If the exemption is granted, Merganser shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to Prohibited Transaction Exemption 84–14 (49 FR 9494, Mar. 13, 1984) (PTE 84–14) for the period between April 6, 2000 and December 31, 2006, solely because of its failure to satisfy the shareholders' or partners' equity requirement under section V(a)(4) of PTE 84–14, provided that the conditions set forth in section II are met.

Section II. Conditions

(a) Merganser shall obtain an irrevocable Letter of Credit, which shall be reduced only by ERISA Claims paid on behalf of ERISA Clients.

(b) The amount available under the Letter of Credit shall be at least $750,000 as of the first day of each fiscal year during which the Letter of Credit is maintained.

(c) Merganser shall cause the Letter of Credit to be issued to an Agent to be held for the benefit of all ERISA Clients.

(d) Merganser shall notify current and future ERISA Clients in writing of: (i) Their status as beneficiaries of the Letter of Credit; (ii) their right to make a draw against the Letter of Credit by presenting the Agent with the documentation described in (g) below; and (iii) the U.S. address of the Agent at which an ERISA Client may present such documentation. Merganser shall promptly notify all ERISA Clients of any changes in the information as to how to contact the Agent.

(e) Merganser shall provide current and future ERISA Clients with a copy of the proposed and final exemption, if granted, as published in the **Federal Register**.

(f) Merganser shall provide the Agent with a complete list of all ERISA Clients, which shall be updated each time Merganser obtains a new ERISA Client.

(g) The Letter of Credit shall be payable on demand solely to any ERISA Client (or its agent) if the ERISA Client provides the Agent with:

(i)(A) a certified copy of the final judgment against Merganser based on an ERISA Claim of such client, entered by a court of competent jurisdiction with all rights of appeal having expired or having been exhausted, or (B) a true copy of a settlement agreement between the ERISA Client and Merganser providing for damages to the ERISA Client with respect to an ERISA Claim;

(ii) in the case of a final court judgment, a certified true copy of a Sheriff's or Marshall's levy and execution on the judgment, returned unsatisfied, or such other documentation, certified by an officer of the court in which the judgment was entered, stating that the judgment remains unsatisfied following attempts

to collect the judgment in accordance with local court rules; and

(iii) a certificate of an authorized representative of the ERISA Client stating the amount of the judgment or settlement which remains unsatisfied.

(h)(i) The Letter of Credit shall be maintained until the earlier of December 31, 2006 or Merganser's satisfaction of the partners' equity requirement under section V(a)(4) of PTE 84–14.

(ii) Notwithstanding subparagraph (i), in the event that one or more ERISA Clients has a Pending ERISA Claim on December 31, 2006, Merganser shall either (A) cause the Letter of Credit to be maintained until the earlier of December 31, 2008 or a final judgment or settlement disposing of all such Pending ERISA Claims, or (B) cause a bond to be purchased which fully insures all such Pending ERISA Claims in the total amount equal to the amount of such Pending ERISA claims but not to exceed $750,000.

Section III. Definitions

(a) ''Agent'' shall mean a commercial bank, trust company or other financial institution subject to federal or state banking regulation that is independent of Merganser.

(b) ''Claim'' shall mean a civil proceeding for monetary relief which is commenced by the filing or service of a civil complaint or similar pleading, or a request for monetary relief which could have been the subject of such a complaint or pleading but for a settlement agreement.

(c) ''ERISA Claim'' shall mean a Claim filed against Merganser or with respect to which a settlement is reached with Merganser prior to December 31, 2006, by reason of Merganser's alleged breach or violation of a duty described in sections 404 or 406 of the Act.

(d) ''ERISA Client'' shall mean any employee benefit plan covered by Title I of ERISA to which Merganser provides or provided investment management services on or before December 31, 2006.

(e) ''Letter of Credit'' shall mean a standby letter of credit in the amount of $750,000 issued by a commercial bank, trust company or other financial institution subject to federal or state banking regulation that is independent of Merganser.

(f) ''Pending ERISA Claim'' shall mean an ERISA Claim that: (i) has been filed in court and is not the subject of a final judgment or settlement; or (ii) has been the subject of a final judgment or settlement which remains unsatisfied.

(g) A person will be ''independent'' of another person only if:

(i) for purposes of this exemption, such person is not an affiliate of that other person; and

(ii) the other person, or an affiliate thereof, is not a fiduciary that has investment management authority or renders investment advice with respect to assets of such person.

(h) An ''affiliate'' of a person means:

(i) any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person. (For purposes of this paragraph, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual);

(ii) any officer, director, employee or relative (as defined in section 3(15) of the Act) of any such other person or any partner in any such person; and

(iii) any corporation or partnership of which such person is an officer, director or employee, or in which such person is a partner.

Summary of Facts and Representations

1. Based in Cambridge, Massachusetts, Merganser Capital Management LP (the Partnership) is a registered investment adviser with more than $2.4 billion in assets under its management, including $850 million in ERISA plan assets. The Partnership's predecessor, Merganser Capital Management Corporation (the Corporation), was founded in 1984 as a wholly-owned subsidiary of the Polaroid Corporation. In 1987, Polaroid sold the subsidiary to its founders, Edward R. Bedrosian and Edward Safran. They were equal partners, each owning fifty percent of the stock of the Corporation.

2. On April 6, 2000, Mr. Safran sold his shares back to the Corporation for $10 million. The Corporation's purchase of the stock was financed by a $2.5 million contribution from Mr. Bedrosian, a $6 million unsecured loan from a commercial bank, and a secured, subordinated loan from Mr. Safran in the amount of $1.5 million. Following the buyout, Mr. Bedrosian owned 100% of the Corporation. Five employees of the Corporation participated in a phantom stock ownership plan. The Corporation then transferred substantially all of its assets and liabilities to the Partnership, a new limited partnership formed to serve as Merganser's operating entity.

3. The general partner of the new Partnership is the Corporation. The Partnership has a single limited partner, a limited liability company owned by the same Merganser employees who had participated in the Corporation's phantom stock ownership plan. The general partner has an eighty percent interest and the limited partner has a twenty percent interest in the Partnership.

4. The Applicant represents that as a result of the buyout of Mr. Safran, as of December 31, 2000 (the last day of its fiscal year), the Partnership has partners' equity of negative $6.5 million, determined in accordance with ''generally accepted accounting principles'' (GAAP). Because the buyout was an ''internal'' transaction, GAAP requires that the assets of the Corporation (and the Partnership) be reflected at ''book'' rather than market value. As a result, goodwill, a significant asset to a firm such as this one, cannot be recognized on the Partnership's balance sheet. Because goodwill cannot be included as an asset, the Partnership will have negative equity until most of its current debt is repaid.

The Applicant further represents that, had the stock of the Corporation been sold to outsiders in an external transaction, the Corporation (and thus the Partnership) could have recognized the full market value of its assets. Following an external transaction, the Corporation (and the Partnership) would have had equity sufficient to meet the requirements of PTE 84–14, even if it had financed the transaction. Had Mr. Bedrosian personally borrowed the funds to buyout Mr. Safran using the Partnership to guarantee the loan, the Partnership would have had sufficient partners' equity. Although the partners' equity is affected by the structure of the buyout, the Partnership's earning potential is not.

The Partnership's current EBITDA (i.e., earnings before interest, taxes, depreciation, and amortization) is over $2 million per year. It is expected that, as a result of debt repayment and earnings, the Partnership will satisfy the $750,000 equity requirement on a GAAP basis within four or five years.

5. To qualify as a qualified professional asset manager (QPAM) under PTE 84–14, an investment adviser must have partners' equity in excess of $750,000. As a result of its reorganization, as of April 6, 2000, the Partnership will no longer qualify as a QPAM under PTE 84–14 because it will not have $750,000 in partners' equity.

6. The Partnership seeks an individual exemption permitting it to substitute an irrevocable standby letter of credit for the partners' equity requirement under PTE 84–14. Specifically, the Partnership will cause First Union National Bank (First Union) to issue an irrevocable standby letter of

credit for the benefit of employee benefit plans to which Merganser provides or provided investment management services on or before December 31, 2006 (ERISA Clients). The Applicant represents that, if the exemption is granted, it will serve as a QPAM, as defined in PTE 84–14, for all the ERISA Clients with respect to which it provides investment management services.

7. The letter of credit will initially be issued in the amount of $750,000, the amount of the partners' equity requirement under PTE 84–14. As a condition of continuing relief, the Partnership will ensure that the amount available to ERISA Clients under the letter of credit as of the first day of each of the Partnership's fiscal years for which relief is needed is at least $750,000. Thus, in the event that there is a payment under the letter of credit during one of the Partnership's fiscal years, thereby reducing the remaining amount available under the letter of credit, the Partnership will ensure that the letter of credit is increased back to $750,000 no later than the first day of the following fiscal year.

8. The letter of credit shall be payable on demand solely to any ERISA Client (or its agent) if the ERISA Client provides:

(1) (A) a certified copy of the final judgment against Merganser based on an ERISA Claim of such client, entered by a court of competent jurisdiction with all rights of appeal having expired or having been exhausted, or

(B) a true copy of a settlement agreement between the ERISA Client and Merganser providing for damages to the ERISA Client with respect to an ERISA Claim;

(2) in the case of a final court judgment, a certified true copy of a Sheriff's or Marshall's levy and execution on the judgment, returned unsatisfied, or such other documentation, certified by an officer of the court in which the judgment was entered, stating that the judgment remains unsatisfied following attempts to collect the judgment in accordance with local court rules; and

(3) a certificate of an authorized representative of the ERISA Client stating the amount of the judgment or settlement which remains unsatisfied.

9. The letter of credit will be maintained by the Partnership for the period of the exemption, unless the Partnership satisfies the partners' equity requirement of PTE 84–14 at an earlier date. Additionally, in the event that one or more ERISA Clients has a pending ERISA claim against Merganser outstanding on December 31, 2006, Merganser will either (i) cause the letter of credit to be maintained until the earlier of December 31, 2008 or a final judgment or settlement disposing of all such pending ERISA claims, or (ii) cause a bond to be purchased which fully insures all such pending ERISA claims in the total amount equal to the amount of such pending ERISA claims but not to exceed $750,000.

If Merganser causes a bond to be purchased under subparagraph (ii) above, the bond would be payable under terms consistent with the letter of credit. Accordingly, the bond would cover the pending ERISA claim(s) and would be payable in the event of a final judgment with rights to appeal expired or exhausted, or in the event of a settlement. The Applicant represents that it has inquired and been told by a bond company that obtaining a bond for a claim that already has been filed is commercially feasible, although it could require substantial collateral.

10. During the life of the letter of credit, Merganser's ERISA Clients will likely change; new clients will be added and existing clients may end their relationships with Merganser. Because the letter of credit is intended to provide protection to a changing group of ERISA Clients, it will be necessary to issue the letter to an ''agent'' who can hold it on behalf of the multiple ERISA Clients. The agent (Agent) will be a person or entity affiliated with First Union and independent of the Partnership. The Agent will be required to demand payment from First Union on behalf of any ERISA Client under exactly the same circumstances under which First Union is obligated to pay under the letter of credit (i.e., an unsatisfied claim or judgment for ERISA Claims).

11. Neither First Union nor the Agent has any discretion in determining whether, respectively, to pay under the letter of credit or to demand payment under the letter of credit. If an ERISA Client meets the conditions described in the letter of credit, the duty to pay or demand payment is automatic. So long as the letter of credit is in effect, the Agent will demand and First Union will pay any ERISA Client who obtains a settlement or judgment of ERISA claims, irrespective of when the alleged violations occurred.

12. The Agent will maintain an up-to-date list of all of Merganser's ERISA Clients, each of which shall be entitled to instruct the Agent to demand payment under the letter of credit consistent with the conditions described above. This list will be made an exhibit to the agreement between the Agent and the Partnership. Each current ERISA Client will be provided with written notice of its rights with respect to the letter of credit at the same time as it is provided with a copy of the proposed exemption for purposes of its right to comment pursuant to the Department's regulations at 29 CFR 2570.43. New ERISA Clients will be provided with written notice of their rights with respect to the letter of credit at the same time as they are provided with a copy of the proposed and final exemption, if granted, as published in the **Federal Register**. ERISA Clients will be provided with the U.S. address of the Agent, and will be promptly notified of any changes in that address. First Union's obligation to pay under the letter of credit will be fully secured by marketable collateral with value of at least $750,000.

13. In summary, it is represented that the proposed transactions satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The requested exemption is administratively feasible because the Partnership's compliance with the proposed conditions can be readily determined. In addition, the exemption would not require continued monitoring or other involvement on behalf of the Department.

(b) The requested exemption is in the interest of the Partnership's ERISA Clients and their participants and beneficiaries because it permits the Partnership to render continuing services to the ERISA Clients and permits those ERISA Clients to continue to invest without regard to the ''party in interest'' status of other parties to the transactions, while providing security for any ERISA Claims arising out of these investments.

(c) The requested exemption is protective of the rights of the Partnership's ERISA Clients and their participants and beneficiaries because it requires the maintenance of a letter of credit exclusively for the Partnership's ERISA Clients.

For Further Information Contact: Karen Lloyd of the Department, telephone (202) 219–8194. (This is not a toll-free number).

ATGI 401(k) Plan (the Plan) Located in Houston, Texas

[Application No. D–10970]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the restrictions of

sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply effective November 30, 2000 to: (1) the acquisition of Stock Rights (the Stock Rights) by the Plan in connection with a Stock Rights offering by Alpha Technologies Group, Inc. (ATGI); (2) the holding of the Stock Rights by the Plan during the subscription period of the offering; and (3) the disposition or exercise of the Stock Rights by the Plan; provided that the following conditions are met:

(a) The Stock Rights were acquired pursuant to Plan provisions for individually-directed investment of such accounts;

(b) The Plan's receipt of the Stock Rights occurred in connection with a Stock Rights offering made available to all shareholders of common stock of ATGI;

(c) All decisions regarding the holding and disposition of the Stock Rights by the Plan were made, in accordance with the Plan provisions for individually-directed investment of participant accounts, by the individual Plan participants whose accounts in the Plan received Stock Rights in connection with the offering;

(d) The Plan's acquisition of the Stock Rights resulted from an independent act of ATGI as a corporate entity, and all holders of the Stock Rights, including the Plan, were treated in the same manner with respect to the acquisition; and

(e) The price received by the Plan for the Stock Rights is no less than the fair market value of the Stock Rights on the date of the offering.

Effective Date: This exemption is effective as of November 30, 2000.

Summary of Facts and Representations

1. ATGI, the sponsor of the Plan, is a Delaware corporation engaged primarily in the manufacturing of thermal management products, principally heat sinks. ATGI's thermal management business is conducted through several wholly owned subsidiaries: Wakefield Engineering, Inc., which includes the Wakefield-Fall River and Wakefield-Temecula Divisions; Specialty Extrusion Corporation; Lockhart Industries, Inc; and National Northeast Corporation (NNE).

2. The Plan is a defined contribution profit-sharing plan. The initial effective date of the Plan was November 1, 1977. The Plan is a qualified plan under Code section 401(a). As of February 19, 2001, the Plan has approximately 730 participants. According to CIGNA Retirement & Investment Services (CIGNA), the Plan's recordkeeper, approximately 200 of these participants had shares of ATGI stock, a NASDAQ publically traded stock, allocated to their Plan accounts as of the Record Date. In total, 188,983.82 shares of ATGI stock were allocated to Plan participants' accounts on the Record Date for a total ATGI stock balance of $1,994,971.06. These holdings of employer stock represented approximately 19.95% of the Plan's total assets as of the Record Date.

3. Steve E. Chupik, ATGI's Vice-President of Administration, serves as Plan Trustee. The Plan provides for participant-directed investment of contributions made to the Plan. Investment in employer stock is a permitted investment option under the terms of the Plan. The Plan Trustee has authority to vote all shares of employer stock owned by participants through the Plan. In addition to ATGI stock, Plan participants may choose among the following investment options: (1) the Guaranteed Long-Term Fund, (2) the Guaranteed Short-Term Securities Fund, (3) the Large Company Stock Index Fund, (4) the Fidelity Advisor Growth Opportunities Account, (5) the Janus Account, (6) the PBHG Growth Account, and (7) the American Century Vista Account.

Each participant's Plan account is also subdivided into various source accounts. Source accounts denote from which sources monies held within a participant's Plan account were received. There are six source account designations: (1) Employee Post-Tax, (2) Rollover, (3) Prior Company Matching, (4) Company Discretionary, (5) Company Matching, and (6) Employee Pre-Tax.

4. ATGI's decision to engage in the Stock Rights offering was made in ATGI's capacity as issuer of its securities, not in its capacity as a Plan fiduciary. The decision was prompted by a business need to raise capital for the expansion of ATGI's thermal management business. The offering was conducted as a mechanism for partially financing the purchase of the stock of NNE, a leading manufacturer of aluminum extrusions and heat sinks.

ATGI first began exploring the possibility of engaging in a Stock Rights offering to assist in financing the purchase of NNE in September 2000. Based upon this initial consideration, ATGI filed an S–2 Registration Statement containing a preliminary prospectus with the Securities and Exchange Commission (the SEC) on October 6, 2000. ATGI made the Stock Rights offering contingent upon the completion of the purchase of NNE. On November 21, 2000, ATGI's Board of Directors (the Board) resolved to meet the requirements of the lender through a Stock Rights offering, and it settled upon a subscription price for the offering. A revised S–2A Registration Statement including a final prospectus were then filed with the SEC on November 30, 2000.

The acquisition of NNE was completed on January 9, 2001, and the proceeds of the Stock Rights offering were contributed to the approximately $50 million purchase price of NNE.

5. The Basic Subscription Privilege: ATGI offered all of its shareholders as of the Record Date the opportunity to purchase additional shares of ATGI's common stock at a fixed price and in proportion to the shareholders' existing interests on the Record Date. Through the Stock Rights offering, shareholders received one stock right for each 25 shares of stock they owned on the Record Date. Shareholders became entitled to receive their Stock Rights on or about November 30, 2000 upon the effectiveness of ATGI's S–2A Registration Statement. No fractional Stock Rights were distributed. Rather, the number of Stock Rights received by a shareholder was rounded up to the nearest whole number if the fraction was greater than ½ and rounded down to the nearest whole number if the fraction was less than ½.

Each stock right allowed the shareholder to purchase one share of ATGI common stock at the fixed subscription price of $7.25 per share. The Board set this subscription price after considering several factors, including the historical and current market price of the common stock, ATGI's current business prospects, recent and anticipated operating results, ATGI's need for capital, the alternatives available for raising capital, the amount of proceeds desired, the pricing of similar transactions, the liquidity of the common stock, and the need to offer shares at a price that would be attractive to investors relative to the current trading price of ATGI's common stock.

Shareholders choosing to use the Stock Rights granted to them to purchase additional shares of ATGI stock were required to exercise their rights by 5 p.m., EST, on the Expiration Date. A shareholder elected to exercise his or her Stock Rights by properly completing the rights exercise agreement provided to the shareholder along with the prospectus and delivering this rights exercise agreement to the subscription agent, the American Stock Transfer and Trust Company (the Subscription Agent), by 5 p.m., EST, on

the Expiration Date. A shareholder choosing to exercise rights also had to deliver the purchase price of the stock purchased pursuant to the exercise of rights to the Subscription Agent by 5 p.m., EST, on the Expiration Date. Shareholders were allowed to exercise as few or as many of their basic Stock Rights as they wished. The Stock Rights were nontransferable, and an exercise of Stock Rights was irrevocable. All unexercised rights expired at 5 p.m., EST, on the Expiration Date and were forfeited.

6. ATGI limited the shares of common stock it issued under the Stock Rights offering to 270,946 shares. However, ATGI expected that not all of these shares would be purchased by shareholders pursuant to the exercise of their basic subscription rights. Rather, ATGI expected that some shareholders would not exercise any or all of the Stock Rights granted to them under the basic subscription privilege. To compensate for these under-subscribing shareholders, ATGI provided shareholders who elected to exercise all of their Stock Rights pursuant to the basic subscription privilege with the opportunity to purchase those shares that were not purchased by the under-subscribing shareholders (the Over-Subscription Privilege). Shareholders were required to exercise their over-subscription rights at the same time and in the same manner as they elected to exercise their basic subscription rights.

ATGI also expected that the number of over-subscription requests might exceed the number of shares available. In this event, ATGI decided to allocate the available shares to over-subscribing shareholders in proportion to the number of shares purchased by these shareholders through the basic subscription privilege.

6. The Expiration Date of the Stock Rights Offering: the expiration date and time of the Stock Rights offering were initially set for 5 p.m., EST, January 5, 2001. However, ATGI reserved the right to extend the offering up to 10 days. On January 5, 2001, ATGI announced that it was exercising this right to extend the offering. The new expiration date and time were extended to 5 p.m., EST, January 8, 2001.

7. Pursuant to applicable securities laws, ATGI could not exclude the Plan from the Stock Rights offering. Thus, as the holder of record of the 188,983.82 shares of ATGI stock allocated to Plan participants' accounts by CIGNA as of the Record Date, the Plan Trustee received 7,556 Stock Rights through the Stock Rights offering. The Plan was treated in the same manner as all other holders of this class of securities.

To avoid engaging in a prohibited transaction, the Plan Trustee considered refusing to accept the Stock Rights offered from ATGI. However, since participation in the Stock Rights offering was expected to allow Plan participants whose Plan accounts held a minimum level of ATGI stock on the Record Date (Invested Plan Participants) to purchase shares of ATGI's common stock at a discount from market price, the Plan Trustee concluded that refusing to accept the Stock Rights might constitute a breach of his fiduciary duty to Plan participants. A refusal of the Stock Rights would have denied Invested Plan Participants the opportunity to purchase additional shares of ATGI stock at the discounted price offered to all other ATGI shareholders.

8. The Plan provides for individually-directed investment of the assets in each participant's account. Therefore, the Stock Rights received by the Plan Trustee were allocated to individual Invested Plan Participants' accounts based upon the participants' respective holdings of ATGI stock on the Record Date. All decisions regarding the exercise of the Stock Rights were made by the Invested Plan Participants. The Plan Trustee undertook measures to ensure that Invested Plan Participants were provided with adequate information regarding the Stock Rights offering so that these participants could make informed decisions regarding the exercise of their Stock Rights.

9. Following the Board's resolution on November 21, 2000 setting the subscription price of the Stock Rights offering, a finalized prospectus was filed with the SEC on November 30, 2000 as part of ATGI's S–2A Registration Statement. On December 4, 2000, the Plan received copies of this completed prospectus from the printer for distribution to Invested Plan Participants. Completed prospectuses and the accompanying materials described below were sent via Federal Express on December 6, 2000 to the human resource departments at ATGI's locations. On December 7, 2000, the prospectuses were distributed to the approximately 125 Invested Plan Participants employed at these locations. Approximately 70 Invested Plan Participants worked at remote locations or were not current employees of ATGI. These participants were mailed prospectuses and accompanying materials via first-class mail on December 6, 2000. In comparison, copies of the prospectus were not mailed to other ATGI shareholders until December 8, 2000.

10. A memorandum from the Plan Trustee accompanied the prospectus. The memorandum introduced the Stock Rights offering and informed Invested Plan Participants of the additional information they would be receiving at a later date.

11. The Plan Trustee provided Invested Plan Participants with a letter containing an explanation of the Stock Rights offering and outlining the procedure they should follow to exercise their Stock Rights. The letter also reminded Invested Plan Participants of the risks involved in investing in ATGI stock. Invested Plan Participants who were current employees of ATGI received the letter and the accompanying materials described below via interoffice mail on December 8, 2000. Invested Plan Participants who worked at remote locations or who were not current employees of ATGI were mailed the letter and accompanying materials via U.S. priority mail on December 7, 2000.

12. A Direction Form accompanied the above letter provided to Invested Plan Participants on December 7 and December 8, 2000. The Direction Form served as the mechanism through which Invested Plan Participants directed the Plan Trustee to exercise or to forfeit the Stock Rights allocated to them. The Direction Form also required Invested Plan Participants electing to exercise some or all of their rights to designate which of their Plan investments were to be liquidated to fund the exercise of the rights. A self-addressed envelope was included with the Direction Form to assist Invested Plan Participants in returning the Direction Form to the Plan Trustee.

In addition to the Direction Form, Invested Plan Participants received a Source Designation Form enabling them to designate from which Plan accounts, such as the employee pre-tax account or the company matching account, they wished the purchase price of any stock purchased pursuant to the exercise of rights to be withdrawn. Invested Plan Participants who had already indicated through a return of their Direction Forms that they would not be participating in the Stock Rights offering were not sent a Source Designation Form. Approximately 110 of the Invested Plan Participants who were current employees of ATGI received the Source Designation Form via facsimile on December 20, 2000. These Invested Plan Participants were asked to return this form to the Plan Trustee by December 22, 2000 by either a return facsimile or an email. Approximately 48 of the Invested Plan Participants who were employed at remote locations or

who no longer worked at ATGI were sent a Source Designation Form by U.S. priority mail on December 20, 2000. These Invested Plan Participants were asked to respond via email, facsimile, or telephone by December 26, 2000. ATGI's Human Resources Manager (the Human Resources Manager), personally contacted by telephone the Invested Plan Participants who could not be reached by facsimile. The Human Resources Manager also contacted the Invested Plan Participants who indicated through a return of their Direction Forms that they wished to participate in the Stock Rights offering but whose Source Designation Forms were not received by the deadline. Through these efforts, source designations were obtained from all but two of the Invested Plan Participants exercising rights. The Human Resources Manager also attempted to contact these two Invested Plan Participants by telephone; however, there was no response from either.

13. In addition to the Direction Form and the Source Designation Forms, a table depicting ATGI's daily stock activity, including stock closing prices, for the period from November 1, 2000 to December 6, 2000 accompanied the letter from the Plan Trustee provided to Invested Plan Participants on December 7 and December 8, 2000.

14. On December 7, 2000, the Plan Trustee provided each Invested Plan Participant with an individualized statement of his or her Plan accounts reflecting that participant's investment fund allocations and the value of that participant's various Plan accounts as of the Record Date.

15. Representatives of ATGI and the Plan made themselves available to answer participants' questions regarding the Stock Rights offering. The Human Resources Manager conducted telephone conferences with approximately 30 to 35 Plan participants and several ATGI human resource representatives. The Plan Trustee visited several of ATGI's larger locations where he answered questions presented to him during his visits with employees on the shop floor. The Plan Trustee also occupied a vacant office at these locations, allowing employees to stop in with questions without an appointment.

16. An Invested Plan Participant exercised the Stock Rights by properly completing and submitting the Direction Form to the Plan Trustee. An Invested Plan Participant was required to include the following information on the Direction Form; (i) how many Stock Rights, if any, the participant wished to exercise; (ii) assuming the participant elected to exercise all of the Stock Rights allocated to him or her pursuant to the basic subscription privilege, whether and how many additional shares of stock the participant wished to purchase pursuant to the Over-Subscription Privilege; and (iii) which Plan investments the participant wished to liquidate to cover the purchase price of any shares of stock purchased pursuant to the exercise of rights.

If an Invested Plan Participant elected to exercise rights but failed to indicate from which investments the purchase price should be withdrawn, he or she was deemed to have elected that the purchase price be withdrawn pro rata from all of his or her investments, i.e., a failure to specify constituted a pro rata election.

The deadline for receipt of properly completed Direction Forms by the Plan Trustee was Friday, December 22, 2000. The rights of Invested Plan Participants whose Direction Forms were not received by this date were forfeited. The December 22 deadline was selected upon consultation with CIGNA and Merrill Lynch, the Plan's broker for ATGI stock transactions. The December 22 deadline for receipt of the Direction Forms by the Plan Trustee from Invested Plan Participants was selected as the latest date allowing the Plan Trustee to review and compile the Direction Forms for submission of the data to CIGNA by December 27, 2000.

In addition to completing and returning the Direction Form, Invested Plan Participants choosing to exercise rights were also required to complete and return a Source Designation Form. On the Source Designation Form, Invested Plan Participants designated from which Plan accounts they wished the purchase price of the shares of stock purchased under the Stock Rights offering to be withdrawn. Invested Plan Participants were warned that if they failed to make this designation, funds would be withdrawn from Plan accounts in the following order; (i) Employee Post-tax; (ii) Rollover; (iii) Prior Company Matching; (iv) Company Discretionary; (v) Company Matching; and (vi) Employee Pre-Tax.

Invested Plan Participants who lacked sufficient funds in their Plan accounts to cover the purchase price of the requested shares of stock could exercise their rights pursuant to the basic or the Over-Subscription Privileges only to the extent of the funds available in their Plan accounts.

17. ATGI completed the Stock Rights offering at 5 p.m., EST, on Monday, January 8, 2001. The Stock Rights offering raised almost $2 million towards the acquisition of NNE. All 270,946 shares of ATGI common stock offered under the Stock Rights offering were purchased. Invested Plan Participants purchased 2,427 shares pursuant to the basic subscription privilege and 5,405 shares pursuant to the Over-Subscription Privilege. Since the Stock Rights offering was over-subscribed, the shares available for purchase under the over-subscription privilege were allocated to over-subscribing shareholders in proportion to the number of shares purchased by these shareholders pursuant to their basic subscription rights.

ATGI's closing stock price on the Expiration Date was listed on NASDAQ as $7.813.

18. The applicant states that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries because the acquisition of the Stock Rights from ATGI benefitted the Plan and its participants by providing Invested Plan Participants with a mechanism through which they could increase the net worth of their Plan accounts. Through the exercise of the Stock Rights, the Invested Plan Participants acquired stock worth $7.813 per share as of the close of business on the Expiration Date while only paying $7.25 per share, a net gain of $.56 per share.

19. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The Stock Rights were acquired pursuant to Plan provisions for individually-directed investment of such accounts;

(b) The Plan's receipt of the Stock Rights occurred in connection with a Stock Rights offering conducted by ATGI;

(c) All decisions regarding the holding and disposition of the Stock Rights by the Plan were made, in accordance with the Plan provisions for individually-directed investment of participant accounts, by the individual Plan participants whose accounts in the Plan received Stock Rights in connection with the offering;

(d) All holders of the Stock Rights, including the Plan, were treated in the same manner with respect to the acquisition of the Stock Rights; and

(e) Through the exercise of the Stock Rights, the Invested Plan Participants acquired stock worth $7.813 per share as of the close of business on the Expiration Date while only paying $7.25 per share, a net gain of $.56 per share.

Notice to Interested Persons: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the applicant and

Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

For Further Information Contact: Khalif Ford of the Department, telephone (202) 219–8883. (This is not a toll-free number).

The Joliet Medical Group, Ltd. Employees Retirement Plan & Trust (the Plan) Located in Joliet, Illinois

[Application D–10990]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, will not apply effective November 1, 1999 to the past and continued leasing of a medical clinic (the Property) located at 2100 Glenwood Ave., Joliet, Illinois, from the Plan to Joliet Medical Group, Ltd. (the Employer), provided that the following conditions have been and will be met:

(a) The independent fiduciary has determined that the transaction is feasible, in the interest of, and protective of the Plan;

(b) The fair market value of the Property has not exceeded and will not exceed twenty percent (20%) of the value of the total assets of the Plan;

(c) The independent fiduciary has negotiated, reviewed, and approved the terms of the lease of the Property with the Employer;

(d) The terms and conditions of the lease of the Property with the Employer have been and will continue to be no less favorable to the Plan than those obtainable by the Plan under similar circumstances when negotiated at arm's length with unrelated third parties;

(e) An independent qualified appraiser has determined the fair market rental value of the Property;

(f) The independent fiduciary has monitored and will continue to monitor compliance with the terms of the lease of the Property to the Employer throughout the duration of such lease and is responsible for legally enforcing the payment of the rent and the proper performance of all other obligations of the Employer under the terms of the lease on the Property; and

(g) The Plan has not incurred and will not incur any fees, costs, commissions, or other charges or expenses as a result of its participation in the proposed transaction, other than the fee payable to the independent fiduciary.

Effective Date: This exemption is effective as of November 1, 1999.

Preamble

On February 15, 2001 (66 FR 10526), the Department published a notice of proposed exemption (the Prior Notice) from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1986. The Prior Notice for which retroactive relief had been requested, would have provided conditional relief for the past and continued leasing of the Property, from the Plan to the Employer.

On April 3, 2001 (66 FR 17737), the Department published a withdrawal of the Prior Notice. The notice of proposed exemption herein provides the most recent information submitted by the applicant and the independent fiduciary.

Summary of Facts and Representations

1. The Plan is a profit sharing plan which was created effective January 1, 1975. As of August 29, 2000, the Plan had net assets valued at approximately $20,075,282 and 165 participants.

2. The Employer is a medical corporation licensed to practice medicine in the State of Illinois, whose principal place of business is Joliet, Illinois. The Employer's principal place of business is the Property. The Employer is engaged in the general practice of medicine.

3. The Property consists of a two story medical building located at 2100 Glenwood Avenue, Joliet Illinois. The Property contains approximately 10,583 square feet on each floor for a total square footage (above ground) of approximately 21,166 square feet. In addition, there is a full basement which is finished and contains an additional approximately 10,583 square feet. The fair market value of the Property represents 15.94% of the total assets in the Plan.

The Plan initially leased the Property to the Employer for an initial term of 18 years, which ended November 1, 1999. In response to an exemption application filed by the Employer, the Department granted an exemption covering the initial lease (the Initial Lease): Prohibited Transaction Exemption 81–96 (PTE 81–96), 46 FR 53816 (October 30, 1981). It is represented that since the inception of the Initial Lease, the Employer has always paid its rent on time and otherwise complied with all of the terms and conditions of the Initial Lease and PTE 81–96. Furthermore, the independent fiduciary has continued to monitor and oversee compliance with the conditions of the exemption after the expiration of the lease because the parties determined to continue the arrangement after November 1, 1999.

4. Joseph E. Batis, (Mr. Batis), an accredited appraiser with Edward J. Batis & Associates, Inc., located in Joliet, Illinois, appraised the Property on October 24, 2000. Mr. Batis states that he is a full time qualified, independent appraiser, as demonstrated by his status as a State Certified General Real Estate Appraiser licensed by the State of Illinois. In addition, Mr. Batis represents that both he and his firm are independent of the Employer.

In his appraisal, Mr. Batis relied primarily on the ''Appraisal Process''. Included within the steps of this process are three approaches to a value estimate: the Cost Approach, the Direct Sales Comparison Approach and the Income Approach. According to Mr. Batis, these methods best represent the actions of buyers and sellers in the market place. After Mr. Batis independently applies each approach to value, the three resultant value estimates are reconciled into an overall estimate of value. In the reconciliation process, the appraiser analyzes each approach with respect to its applicability to the property being appraised. Also considered in the reconciliation process is the strength and weakness of each approach with regards to supporting market data. After inspecting the Property and analyzing all relevant data, Mr. Batis determined that a fee simple interest in the Property had a fair market value of approximately $3,200,000. On February 27, 2001, Mr. Batis updated the appraisal and determined the fair market monthly rental value of the Property to be $32,000 and the annual fair market rental value to be $384,000.

5. An independent party, the First Midwest Trust Company (the Bank) has served and continues to serve as the independent fiduciary. The Bank represents that since the inception of the Initial Lease, the Employer has complied with all of the terms and conditions of the Initial Lease and PTE 81–96. The Bank certifies that the transaction is appropriate and in the best interests of the Plan and that the terms and conditions of the proposed transactions are at least equal to what the Plan would receive from an unrelated party in similar transaction. In addition, the Bank will monitor the transaction and will have the

responsibility for exercising the Plan's rights in the proposed transaction. On March 28, 2001 the Bank represented that the annual fair market rental value of the Property should reflect 12% of the fair market value of the Property ($3,200,000 \times .12 = $384,000).

6. The Employer will enter into a five year, ''triple net'' lease with the Plan leasing the Property to the Employer for a ''floating'' monthly rental of 1% of the current appraised value of the subject realty ($3,200,000 × 1%= $32,000). A new appraisal by an independent, qualified appraiser would be performed every other year to update the rent. The minimum guaranteed monthly rental value (regardless of any possible decrease in the appraisal) is $32,000. The terms of the lease provide for a primary term of five years with an option to renew and extend for two additional successive terms of five years each subject to the approval of the independent fiduciary. In the event of a default, the Employer is required to reimburse the Plan on demand for all costs reasonably incurred by the Plan in connection therewith, including attorney's fees, court costs and related costs plus a reasonable rate of return on the amount of accrued but unpaid rent due the Plan, as determined by an appropriate third party source.

7. Since the Initial Lease, the Employer has continued to pay rent to the Plan in a timely manner without default or rental delinquencies. However, the Employer is aware of the fact that a prohibited transaction occurred in violation of the Act subsequent to the expiration of the lease under PTE 81–96 (November 1, 1999). Therefore, the Employer has requested exemptive relief with respect to the past and continued leasing of the Property by the Plan to the Employer. If granted, the proposed exemption will be retroactive to November 1, 1999.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The independent fiduciary has determined that the transaction is feasible, in the interest of, and protective of the Plan;

(b) The fair market value of the Property has not exceeded and will not exceed twenty percent (20%) of the value of the total assets of the Plan;

(c) The independent fiduciary has negotiated, reviewed, and approved the terms of the lease with the Employer on the Property;

(d) The terms and conditions of the lease with the Employer on the Property have been and will continue to be no less favorable to the Plan than those obtainable by the Plan under similar circumstances when negotiated at arm's length with unrelated third parties;

(e) An independent qualified appraiser has determined the fair market rental value of the Property;

(f) The independent fiduciary has monitored and will continue to monitor compliance with the terms of the lease of the Property to the Employer throughout the duration of such lease and is responsible for legally enforcing the payment of the rent and the proper performance of all other obligations of the Employer under the terms of the lease; and

(g) The Plan has not incurred and will not incur any fees, costs, commissions, or other charges or expenses as a result of its participation in the proposed transactions, other than the fee payable to the independent fiduciary.

Notice to Interested Persons: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the applicant and Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

For Further Information Contact: Khalif Ford of the Department, telephone (202) 219–8883 (this is not a toll-free number).

ACE Business Travel Accident Plan (the Plan) Located in Philadelphia, Pennsylvania

[Application No. L–10955]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by ACE American Insurance Company (ACE USA) from the insurance contracts sold by Life Insurance Company of North America (CIGNA) or any successor company to CIGNA which is unrelated to ACE INA Holdings, Inc. (ACE INA), to provide accidental death and dismemberment benefits to participants in the Plan, provided the following conditions are met:

(a) ACE USA—

(1) Is a party in interest with respect to the Plan by reason of a stock or partnership affiliation with ACE INA that is described in section 3(14)(E) or (G) of the Act,

(2) Is licensed to sell insurance or conduct reinsurance operations in at least one State as defined in section 3(10) of the Act,

(3) Has obtained a Certificate of Authority from the Insurance Commissioner of its domiciliary state which has neither been revoked nor suspended, and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary State, Pennsylvania) by the Insurance Commissioner of the Commonwealth of Pennsylvania within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plan pays no more than adequate consideration for the insurance contracts;

(c) No commissions are paid with respect to the direct sale of such contracts or the reinsurance thereof;

(d) The Plan only contracts with insurers with a rating of A or better from A. M. Best Company (Best's). The reinsurance arrangement between the insurers and ACE USA will be indemnity insurance only, i.e., the insurer will not be relieved of liability to the Plan should ACE USA be unable or unwilling to cover any liability arising from the reinsurance arrangement; and

(e) For each taxable year of ACE USA, the gross premiums and annuity considerations received in that taxable year by ACE USA for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which ACE USA is a party in interest by reason of a relationship to such employer described in section 3(14)(E) or (G) of the Act does not exceed 50% of the gross premiums and annuity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by ACE USA. For purposes of this condition (e):

(1) the term ''gross premiums and annuity considerations received'' means as to the numerator the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale or other reinsurance of life insurance, health insurance or annuity contracts to such plans (and their employers) by ACE USA. This total is to be reduced (in both the numerator and the denominator of the fraction) by

experience refunds paid or credited in that taxable year by ACE USA; and

(2) all premium and annuity considerations written by ACE USA for plans which it alone maintains are to be excluded from both the numerator and the denominator of the fraction.

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79–41 (PTE 79–41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans if certain conditions are satisfied.

In PTE 79–41, the Department stated its views that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79–41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and the unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

1. ACE INA is a publicly traded insurance holding company incorporated under the laws of the Commonwealth of Pennsylvania. ACE INA provides a full range of insurance related services through its subsidiaries, including ACE USA.

2. ACE USA is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal administrative offices in Philadelphia, Pennsylvania. ACE USA is a wholly-owned subsidiary of ACE INA, and is currently licensed to do business in all states and the District of Columbia. ACE USA is principally engaged in the business of underwriting insurance including property and casualty, accident and health, commercial automobile, aviation, crime, credit, crop/hail, fidelity, general liability, inland marine, ocean marine, surety and worker's compensation insurance. The applicant represents that $416 million in premiums was underwritten by ACE USA in 1999.

3. ACE INA and most of its subsidiaries provide their eligible employees with certain welfare benefits through the Plan. The Plan is a fully insured ''employee welfare benefit plan'' within the meaning of section 3(1) of the Act that provides accidental death and dismemberment benefits to approximately 4,800 eligible employees and beneficiaries. Eligible employees include all full time and part time salaried employees working at least 24 hours per week. Eligible employees and beneficiaries receive accidental death or dismemberment coverage in the event that the employee dies or is severely injured as a result of an accident while traveling on company business. Coverage under the Plan equals five times salary, rounded to the highest $1,000, up to a maximum of $2,500,000. All premiums are paid by ACE INA and/or its subsidiaries.

4. The benefits provided under the Plan are currently underwritten by CIGNA, an unaffiliated insurance carrier. ACE INA, as a fiduciary of the Plan, has entered into a policy with CIGNA for 100% of this coverage. ACE INA proposes to use its subsidiary, ACE USA, to reinsure 50% of the risk through a reinsurance contract between ACE USA and CIGNA in which CIGNA would pay 50% of the premiums to ACE USA. From the participants' perspective, the participants have a binding contract with CIGNA, which is legally responsible for the risk associated under the Plan. CIGNA is liable to provide the promised coverage regardless of the proposed reinsurance arrangement. The applicant has also requested that the proposed exemption apply to any successor company to CIGNA that is also unrelated to ACE INA should ACE INA, as a fiduciary of the Plan, decide to insure this coverage with another carrier under the same kind of arrangement.

5. The applicant represents that the proposed transaction will not in any way affect the cost to the insureds of the accidental death and dismemberment insurance benefits, and the Plan will pay no more than adequate consideration for the insurance. Also, Plan participants are afforded insurance protection from CIGNA at competitive rates arrived at through arm's-length negotiations. CIGNA is rated ''A+'' by Best's, whose insurance ratings are widely used in financial and regulatory circles. CIGNA has assets in excess of $3.8 billion and reserves set aside for group accident and health policies of approximately $2.2 billion. CIGNA will continue to have the ultimate responsibility in the event of loss to pay insurance benefits to the employee or the employee's beneficiary.[1] The applicant represents that ACE USA is a sound, viable company which does a substantial amount of business outside of its affiliated group of companies. ACE USA is substantially dependent upon insurance customers that are unrelated to itself and its affiliates for premium revenue.

6. The applicant represents that the proposed reinsurance transaction will meet all of the conditions of PTE 79–41 covering direct insurance transactions:

(a) ACE USA is a party in interest with respect to the Plan (within the meaning of section 3(14)(G) of the Act) by reason of stock affiliation with ACE INA, which maintains the Plan.

(b) ACE USA is licensed to do business in all states and the District of Columbia.

(c) ACE USA has undergone an examination by an independent certified public accountant for the last completed taxable year immediately prior to the taxable year of the proposed reinsurance transaction.

(d) ACE USA has received a Certificate of Authority from its domiciliary state, Pennsylvania, which has neither been revoked nor suspended.

(e) The Plan will pay no more than adequate consideration for the insurance. The proposed transaction will not in any way affect the cost to the insureds of the accidental death and dismemberment benefits.

(f) No commissions have been paid or will be paid with respect to the acquisition of direct insurance or the reinsurance agreements between CIGNA (or any successor) and ACE INA and ACE USA.

(g) For each taxable year of ACE USA, the ''gross premiums and annuity considerations received'' in that taxable year for group life and health insurance (both direct insurance and reinsurance) for all employee benefit plans (and their employers) with respect to which ACE USA is a party in interest by reason of

[1] The applicant represents that any successor to CIGNA would be a legal reserve life insurance company with assets and reserves similar to CIGNA, and thus be of such a size as to afford similar protection and responsibility.

a relationship to such employer described in section 3(14)(E) or (G) of the Act will not exceed 50% of the ''gross premiums and annuity considerations received'' by ACE USA from all lines of insurance in that taxable year. ACE USA has received no premiums for the Plan insurance in the past. ACE USA wrote $416 million in premiums in 1999. At least 80% of ACE USA's premiums for 1999 were derived from insurance (or reinsurance thereon) sold to entities other than ACE INA and its affiliated group. In addition, ACE USA is substantially dependent upon insurance customers that are unrelated to CIGNA and its affiliates for premium income.

7. In summary, the applicant represents that the proposed transaction will meet the criteria of section 408(a) of the Act because: (a) Plan participants and beneficiaries are afforded insurance protection by CIGNA, an ''A+'' rated group insurer, at competitive market rates arrived at through arm's-length negotiations; (b) ACE USA is a sound, viable insurance company which does a substantial amount of public business outside its affiliated group of companies; and (c) each of the protections provided to the Plan and its participants and beneficiaries by PTE 79–41 will be met under the proposed reinsurance transaction.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Informaiton

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 30th day of May, 2001.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 01–13905 Filed 6–1–01; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Exemption Application No. D–10918, et al.]

Prohibited Transaction Exemption 2001–19; Grant of Individual Exemptions; Texas Instruments Employees Pension Plan (the Plan) et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Texas Instruments Employees Pension Plan (the Plan) Located in Dallas, Texas

[Prohibited Transaction Exemption No. 2001–19; Application No. D–10918]

Exemption

The restrictions of sections 406(a), 406(b)(1), 406(b)(2), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Sale (the Sale) by the Plan to Texas Instruments, Inc. (the Employer) of a parcel of improved real property (the Property) located in Dallas, Texas. This exemption is conditioned upon the adherence to the material facts and representations described herein and upon the satisfaction of the following requirements:

(a) All terms and conditions of the Sale are at least as favorable to the Plan as those which the Plan could obtain in

an arm's-length transaction with an unrelated party;

(b) The Sales price is the greater of $9,400,000 or the fair market value of the Property as of the date of the Sale;

(c) The fair market value of the Property has been determined by an independent, qualified appraiser;

(d) The Sale is a one-time transaction for cash; and

(e) The Plan does not pay any commissions, costs or other expenses in connection with the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published on February 15, 2001 at 66 FR 10527.

Written Comments

The Department received three comments from interested persons on the proposed exemption. The Department forwarded copies of the comments to the applicant and requested that the subtrustee (Bank of America) respond in writing to the various concerns raised by the commentators. A description of the comments and the Bank of America's responses are summarized below.

One commentator urged that the exemption not be granted because he believed that the Property had a better chance of appreciation than the cash equivalent and that the increase in value was not a fair appraisal.

Bank of America, in response represents the following: It has determined that the Sale of the Property to the Employer is prudent under ERISA and is in the best interest of the Plan participants and beneficiaries based, in part, on its determination that market values for comparable properties in the Dallas, Texas area continue to be at a record high and that the current real estate market presents a favorable selling opportunity to the Plan. Although currently selling at record highs, real estate values can decline for a number of reasons, such as downturns in the economy, environmental contamination, functional obsolescence, and changes in use and/or the growth patterns surrounding a property's location. The improvements, constructed in 1981, are now approximately 20 years old and have a remaining economic life of 27 years. The building is well maintained; however, the structure is aging and at some point it may be less attractive in the market place from the standpoint of physical plant and functionality. The commentator's objection to only a 50% increase in value over the 22 years of the lease does not recognize the actual yield that has been produced by the annual rental income in addition to the sales price proceeds.

Two commentators took issue with the selection of the appraiser for the Property, and the subsequent evaluation, specifically requesting multiple appraisals and questioning whether the appraiser specialized in commercial real estate. Bank of America notes that as the subtrustee of the Plan, Bank of America has the responsibility to make the good faith fiduciary determination that the amount received by the Plan upon the Sale is no less than adequate consideration, as defined in ERISA § 3(18). In making the good faith determination that the Plan will receive adequate consideration, Bank of America, as a fiduciary, has relied on the appraisal report of the independent appraiser, which will be updated at the closing date, to insure that the amount received is no less than the then fair market value. Furthermore, Bank of America represents the Property has been appraised by an independent appraiser, the Pyles Whatley Corporation, a respected commercial real estate appraisal firm. It has a national appraisal practice and has appraised properties of large industrial sites in more than 25 states in 1999 and 2000. The appointment of the appraiser was made properly by Bank of America rather than other Plan fiduciaries since the appraisal report will be used by Bank of America in complying with its fiduciary responsibility with respect to the Sale.

The appraisal follows standard methodologies including the use of values of comparable properties. Bank of America has carefully reviewed the appraisal and other information that it has available to it and believes that the appraisal correctly determines the fair market value of the Property. In making this good faith fiduciary determination to sell the Property at this value, after having made a prudent review of the valuation report and the relevant circumstances at the time of the valuation report, Bank of America does not believe that there is any reason to require multiple appraisals to reach a valuation for the Property.

Accordingly, after giving full consideration to the entire record, including the comments by the commentators, and the responses of the applicant, the Department has determined to grant the exemption as proposed. In this regard, the comments submitted to the Department have been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department, is made available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Ave. NW, Washington DC 20210.

FOR FURTHER INFORMATION CONTACT: Khalif Ford of the Department, telephone (202) 219–8883 (this is not a toll-free number).

THS Profit Sharing Plan (the Plan) Located in Bedford Hills, New York

[Prohibited Transaction Exemption No. 2001–20; Application No. D–10921]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale (the Sale) by the Plan of two life insurance policies (the Policies) which insure Tim H. Shoecraft, the sole participant (the Participant),[1] to the Shoecraft Family Trust dated October 9, 1991 (the Trust), which is a disqualified party with respect to the Plan under section 4975(e)(2) of the Code, provided that the following conditions are met:

(a) The Participant is the insured under the contract;

(b) Prior to the Sale, the Plan will afford the insured notice of the Sale and the opportunity to purchase the Policies;

(c) The Sale will be for full and adequate consideration, based upon the cash surrender value of the Policies at the time of the transaction;

(d) The Plan is authorized to purchase and own life insurance;

(e) The amount received by the Plan as consideration for the Sale is at least equal to the amount necessary to put the Plan in the same cash position as it would have been in had it retained the contract, surrendered it, and made any distribution owing to the Participant of his vested interest under the Plan; and

(f) The Plan is not required to pay any commissions, costs or other expenses in connection with the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published on April 16, 2001 at 66 FR 19533.

FOR FURTHER INFORMATION CONTACT: Khalif Ford of the Department,

[1] Because Tim H. Shoecraft is the sole shareholder of Shoecraft and Associates and he is the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

telephone (202) 219–8883 (this is not a toll-free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 30th day of May, 2001.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 01–13906 Filed 6–1–01; 8:45am]

BILLING CODE 4510–29–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Changes in Meeting; Federal Register Citation of Previous Announcement 66 FR 22267

TIME AND DATE: 10 a.m., Wednesday, May 30, 2001.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Closed in Part (Pursuant to 5 U.S.C. 552b(c)(10)).

CHANGES IN MEETING: Eagle Energy, Inc., Docket No. WEVA 98–123. The Commission has granted a motion by Eagle Energy, Inc., to exclude from consideration at the May 30, 2001, meeting the issue of whether the judge's frequent questioning of witnesses improperly interfered with the operator's presentation of its case and reflected bias.

Because agency business so requires, the Commission has unanimously voted to change the status of the meeting from ''closed in part'' to ''open in its entirety,'' pursuant to 5 U.S.C. 552b(c)(10).

No earlier announcement of these changes was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 01–14089 Filed 5–31–01; 12:56 pm]

BILLING CODE 6735–01–M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4) and (6) of section 552b of Title 5, United States Code.

Date: June 22, 2001.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for History, Conservation, Other Public Programming Organizations, submitted to the Office of Challenge Grants at the May 1, 2001 deadline.

Date: June 28, 2001.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for Research Libraries, Associations, Institutes, submitted to the Office of Challenge Grants at the May 1, 2001 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 01–13976 Filed 6–1–01; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Small Business Industrial Innovation (SBIR)/Small Business Technology Transfer (STTR)—(61).

Date/Time: June 19–20, 2001, 8:30 am–5:00 pm.

Type of Meeting: Open.

Place: Room 120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Contact Person: Dr. Joseph Hennessey, Acting Director, Industrial Innovation, (703) 292–7069, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Minutes: May be obtained from the contact person listed above.

Purpose of Committee: To provide advice and recommendations concerning research programs pertaining to the small business community.

Agenda: June 19, 2001, Room 120

8:30 am—Introductions

8:35 am—Welcome
8:45 am—Overview
9:00 am—COV Report and Discussion
10:30 am—Break
11:00 am—COV Report and Discussion (cont.)
12:00 noon—Lunch
1:00 pm—COV Response
2:30 pm—EPSCoR/SBIR Collaboration
3:00 pm—Break
3:30 pm—2001 Update
5:00 pm—Adjourn

Agenda: June 20, 2001, Room 120

8:30 am—Preparation of Committee Report
10:00 am—Break
10:30 am—Feedback from the Committee
12:00 noon—Adjourn

Dated: May 29, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–13874 Filed 6–1–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR part 70—Domestic Licensing of Special Nuclear Material.

3. *The form number if applicable:* None.

4. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Generally, renewal applications are submitted every ten years and for major fuel cycle facilities updates of the safety demonstration section are submitted every two years. Nuclear material control and accounting information is submitted in accordance with specified instructions. Nuclear criticality safety training program information pursuant to DG–3008 is submitted with the application or renewal.

5. *Who is required or asked to report:* Applicants for and holders of specific NRC licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material.

6. *An estimate of the number of responses:* 1,174.

7. *The number of annual respondents:* 600.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 86,279 hours (77,427 reporting hours plus 8,852 recordkeeping hours) an average of approximately 129 hours per response for applications and reports.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* Part 70 establishes requirements for licenses to own, acquire, receive, possess, use, and transfer special nuclear material. Draft Regulatory Guide DG–3008 provides guidance on an acceptable nuclear criticality safety training program. The information in the applications, reports, and records is used by NRC to make licensing and other regulatory determinations concerning the use of special nuclear material. The revised estimate of burden reflects the addition of requirements for documentation for termination or transfer of licensed activities, and modifying licenses.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 2, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Bryon Allen, Office of Information and Regulatory Affairs (3150–0009), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–13897 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 314—Certificate of Disposition of Materials.

3. *The form number if applicable:* NRC Form 314.

4. *How often the collection is required:* The form is submitted once, when a licensee terminates its license.

5. *Who is required or asked to report:* Persons holding an NRC license for the possession and use of radioactive byproduct, source, or special nuclear material who are ceasing licensed activities and terminating the license.

6. *An estimate of the number of responses:* 400.

7. *The estimated number of annual respondents:* 400.

8. *The number of hours needed annually to complete the requirement or request:* An average of 0.5 hours per response, for a total of 200 hours.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* NRC Form 314 furnishes information to NRC regarding transfer or other disposition of radioactive material by licensees who wish to terminate their licenses. The information is used by NRC as part of the basis for its

determination that the facility has been cleared of radioactive material before the facility is released for unrestricted use.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 5, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150–0028), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Dated at Rockville, Maryland, this 24th day of May, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–13898 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

Entergy Nuclear Fitzpatrick, LLC and Entergy Nuclear Operations, Inc. James A. Fitzpatrick Nuclear Power Plant; Exemption

1.0 Background

Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc. are the holders of Facility Operating License No. DPR–59 which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (JAF). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Oswego County in New York.

2.0 Purpose

By letter dated October 30, 2000, the Power Authority of the State of New York (PASNY), then the licensee for JAF, submitted a request for exemption from certain technical requirements of Section III.G of Appendix R to 10 CFR part 50, in accordance with the provisions of 10 CFR 50.12. Specifically, PASNY requested an exemption from Section III.G.2.c in that it requires certain redundant trains of equipment located in the same fire area, where automatic fire detection and automatic fire suppression are provided, to be protected with a 1-hour rated fire barrier. On November 21, 2000, PASNY's interests in the license were transferred to Entergy Nuclear FitzPatrick, LLC, which is now authorized to possess and use FitzPatrick and to Entergy Nuclear Operations, Inc., which is now authorized to possess, use and operate FitzPatrick. By letter dated January 26, 2001, Entergy Nuclear Operations, Inc. (the licensee) requested that the U.S. Nuclear Regulatory Commission (NRC) continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer. Accordingly, the NRC staff continued its review. By letter dated February 7, 2001, the licensee provided supplemental information.

Section III.G.2.c of appendix R Title 10 of the Code of Federal Regulations (10 CFR), part 50 specifies that certain fire protection features are necessary in order to assure the ability to achieve and maintain hot shutdown conditions. The high-pressure coolant injection (HPCI) for reactor coolant makeup and Train B of residual heat removal (RHR) for suppression pool cooling are credited in the licensee's safe shutdown analysis for achieving and maintaining hot shutdown conditions and Train B of alternate shutdown cooling (ASD) is credited for achieving cold shutdown for a fire in the west cable tunnel (CT–1). A power cable that supports HPCI, Train B RHR and ASD is routed through CT–1. CT–1 also houses the redundant required safe shutdown equipment.

The power cable for HPCI, Train B RHR and ASD in CT–1 has been protected with a fire wrap material to meet Appendix R in order to separate these systems from the redundant systems located in CT–1. However, it was found that this fire wrap material did not meet the requirements of 1-hour fire protection. Thus, an exemption from the requirements of Section III.G.2.c of appendix R to 10 CFR part 50 was requested.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

A power cable for HPCI, Train B RHR and ASD in CT–1 has been protected with a fire wrap material to meet appendix R in order to separate these systems from the redundant systems located in CT–1. The licensee intended that the fire barrier material be rated for 1 hour, but the licensee later identified that there was not sufficient evidence to demonstrate that the barrier meets the acceptance criteria for a rated 1–hour fire barrier wrap. Based on fire barrier testing, the barrier exceeded test acceptance criteria at 30 minutes.

The primary in-situ combustible loading in CT–1 is cable, which the licensee states would contribute to a slowly developing cable fire. The originally installed cables for JAF were specified and ordered before IEEE Std. 383–1974, which provides a flame spread rating indicating slow flame spreading, was issued. However, an analysis was performed by the licensee which evaluated the flame retardant capability of the installed cable and it was determined that the installed cable was similar to IEEE 383–1974 rated cable. The only other combustible materials identified in the area are limited quantities of fiberglass associated with a water tank, ladders and piping. The only ignition sources which have been identified are the cables.

An automatic area-wide early warning smoke detection system is installed in CT–1. The system was designed and installed to National Fire Protection Association (NFPA) standards, NFPA–72D, 1979, Proprietary Signaling Systems and NFPA–72E, 1978, Automatic Detectors. In some cases the installed system does not meet the codes of record. These code deficiencies are related to lack of electrical supervision of circuits, lack of recording of alarms, lack of environmental qualification, over loading of fire detection signaling lines, some beam pockets lacking detectors, and power supplies not meeting NFPA standards. The licensee has determined that the code deviations do not adversely impact safety performance. The majority of the deficiencies would not degrade the performance of the fire detection system but may impact the system's availability. Site administrative procedures control compensatory measures for the detection system in CT–1 in the event that the detection system is unavailable. The code deficiency of lacking smoke detectors in

two of the beam pockets may impact the performance of the system. Based on the proximity of the unprotected beam pockets to the fire wrap, over 80 feet away, the licensee concludes that the smoke detectors in the general area are adequate to provide detection of any credible fire which may potentially damage the fire wrap. Based on the information provided by the licensee, the staff concurs that the code deviations and lack of detectors in all beam pockets would not adversely impact the fire detection system's performance in the area of the fire wrap.

An automatic area-wide wet pipe sprinkler system is installed in CT–1. The licensee states that the system meets the design requirements of NFPA–13, 1991, and is designed and installed as an Extra Hazard (Group 1) system. In addition, an in-tray automatic wet pipe water spray system is designed to suppress a tray based fire. The licensee states that the water spray system meets the design requirements of NFPA–15, 1990, Water Spray Systems. Water hose lines and fire extinguishers are available to the fire brigade inside the zone to support manual suppression. In addition, hose stations with additional lengths of hose are available outside of the area if needed.

Transient combustible materials in the area are kept to a minimum based on the administrative limits for the area. Administrative limits may be exceeded only when an evaluation has been performed and a combustible control permit has been issued. All station hot work, including cutting and welding, is controlled by administrative procedures. Special requirements for the CT–1 are that fire protection personnel will approve hot work in this area and that fire protection personnel will inspect the area during the performance of hot work at least every 2 hours.

The NRC staff examined the licensee's rationale to support the exemption request and believes that reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire in the plant. Accordingly, the request for an exemption from the requirements of 10 CFR part 50 appendix R, Section III.G.2.c with respect to fire area CT–1 meets the special circumstances delineated in 10 CFR part 50.12(a)(2)(ii), i.e., the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. While the installed fire barrier in CT–1 has less than a 1-hour fire endurance rating, it will provide some resistance to fire. The area where the fire barrier is located has no ignition sources other than cables, has available manual suppression capability, and is equipped with automatic fire suppression and fire detection. Under these circumstances, there is an adequate level of fire safety such that there is reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire in the plant, and therefore, the underlying purpose of the rule is met.

Based on the NRC staff review, and circumstances described above, the staff concludes that an exemption from the technical requirements of Section III.G.2.c of appendix R to 10 CFR part 50 to the extent that it requires the enclosure of cables of one redundant train of safe shutdown equipment in a 1-hour fire rated barrier, is appropriate for fire area CT–1. See the safety evaluation that supports these findings dated May 29, 2001.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc. the requested exemption from the requirements of Section III.G.2.c of appendix R to 10 CFR part 50 for the JAF.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR27540).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–13900 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

FirstEnergy Nuclear Operating Company, et al.; Notice of Consideration of Issuance of 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 License Nos. DPR–66 and NPF–73, issued to FirstEnergy Nuclear Operating Company, et al., (the licensee), for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2) located in Shippingport, Pennsylvania.

The proposed amendment would revise the Technical Specifications (TSs) associated with requirements for handling irradiated fuel assemblies in the reactor containment and in the fuel building. The proposed amendment would also revise the TSs associated with ensuring that safety analysis assumptions are met for a postulated fuel handling accident (FHA). Specifically, the revised FHA radiological analysis that is submitted in support of the proposed amendment, demonstrates that ''non-recently'' irradiated fuel does not contain sufficient fission products to require operability of accident mitigation features to meet the accident analysis assumptions. Consequently, the accident mitigation features such as building integrity and engineered safety feature (ESF) ventilation systems would not be required during fuel handling activities that do not involve ''recently'' irradiated fuel assemblies. The radiological analyses utilized to support this amendment request were performed based on the guidance provided in NUREG–0800, ''Standard Review Plan,'' Chapter 15.0.1 and Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors.'' The decay time specified in TS 3/4.9.3, ''Decay Time,'' would be revised from 150 hours to 100 hours. The proposed amendment also includes administrative, editorial, and format changes to the TSs and Bases associated with the revisions discussed above. Changes to the Updated Final Safety Analysis Reports for BVPS–1 and 2 associated with the description of a postulated FHA and its calculated radiological consequences are also included.

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 July 5, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and is accessible electronically through the Agencywide Documents Access and Management System (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 must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or expert opinion that 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. The 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 that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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 and 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 request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, 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 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 March 19, 2001 (ADAMS Accession No. ML010810433), 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 23rd day of May 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhart,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–13899 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric and Gas Company, V. C. Summer Nuclear Station; Exemption

1.0 Background

South Carolina Electric & Gas Company (SCE&G) is the holder of Facility Operating License No. NPF–12, which authorizes operation of the V.C. Summer Nuclear Station (the facility), at steady-state core power levels not in excess of 2900 megawatts thermal. The license provides, among other things, that the V. C. Summer Nuclear Station is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of a pressurized water reactor located in Fairfield County in South Carolina.

2.0 Purpose

Pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section

55.59(a)(1), each licensed operator is required to successfully complete a requalification program developed by the licensee that has been approved by the Commission. This program is to be conducted for a continuous period not to exceed 24 months in duration and upon its conclusion must be promptly followed by a successive requalification program. In addition, pursuant to 10 CFR 55.59(a)(2), each licensed operator must pass a comprehensive requalification written examination and an annual operating test.

The Code of Federal Regulations at 10 CFR 55.11 states that ''The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.''

3.0 Discussion

By letter dated January 12, 2001, SCE&G requested a change to the cycle dates for the 2-year requalification training program required by 10 CFR 55.59. This request constitutes a request for exemption under 10 CFR 55.11 from the requirements of 10 CFR 55.59(a)(1) and (a)(2). The schedular exemption requested would extend the period for the current cycle of the V. C. Summer Nuclear Station requalification program from May 31, 2001, to August 31, 2001. The next requalification period would begin on September 1, 2001, and end on August 31, 2003, with subsequent requalification periods remaining on a September to August schedule. On October 13, 2000, during routine shutdown inspections, SCE&G discovered a leak in a weld in the reactor coolant system. Activities to determine the root cause and extent of this condition and to repair the leak extended through the end of February 2001, months beyond the original scheduled plant restart. To provide the necessary level of licensed operator support to ensure safety throughout the extended plant outage, SCE&G postponed the training and other requalification program activities originally planned during that time. The affected licensed operators will continue to demonstrate and possess the required levels of knowledge, skills, and abilities needed to safely operate the plant throughout the transitional period via continuation of the current licensed operator requalification program, and the limited 3-month delay in completion of requalification for the current perod will have a negligible effect on operator qualification.

4.0 Conclusion

Accordingly, the Commission has determined that pursuant to 10 CFR 55.11, granting an exemption to SCE&G from the requirements in 10 CFR 55.59(a)(1) and (a)(2) is authorized by law and will not endanger life or property and is otherwise in the public interest.

Therefore, the Commission hereby grants SCE&G an exemption from the schedular requirements of 10 CFR 55.59(a)(1) and (2) to allow the period for current cycle of the V. C. Summer Nuclear Station requalification program to be extended beyond 24 months but not exceeding 27 months, expiring on August 31, 2001. The successive 2-year requalification cycles will continue with September 1 as the start date and August 31 as the end date.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 29187).

This exemption is effective upon issuance, and expires on August 31, 2001.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–13901 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

License No. DPR–26; Consolidated Edison Company of New York, Inc.; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated April 24, 2001, as supplemented by letter dated May 3, 2001, Mr. David A. Lochbaum, on behalf of Union of Concerned Scientists, requested that the Nuclear Regulatory Commission (NRC) issue a Demand for Information (DFI) to licensees that use security personnel supplied by Wackenhut Corporation (Wackenhut), requiring them to provide a docketed response explaining how they comply with the requirement of Title 10 of the Code of Federal Regulations (10 CFR) section 26.10 that licensees ''provide reasonable measures for the early detection of persons who are not fit to perform activities within the scope of this part'' and the requirement of 10 CFR 26.20 that ''licensee policy should also address other factors that could affect fitness for duty such as mental stress, fatigue and illness.''

The petitioner also requested that the DFI should require each licensee to generally describe its policy for the aforementioned factors and to explicitly describe its policy for these factors as applied to the security personnel supplied by Wackenhut.

As a basis for this request, the petitioner stated that:

> ''An individual employed by Wackenhut Corporation and assigned duties as a security officer at Indian Point 2 was fired on June 26, 2000 * * *. The individual had worked five straight 12-hour shifts [(12 hours on shift followed by 12 hours off for 5 straight days)] and declined to report for a sixth straight 12-hour shift because he reported to his management—in writing—that it would be ''physically and mentally exhausting.'' The individual reported to his management—in writing—that he was fully aware of his condition and ''would not want to be negligent in performing [his] duties as a security officer.''
>
> The security officer had unescorted access to Indian Point 2 and thus was covered by 10 CFR part 26 as specified in Section 26.2 * * *.''

The petitioner also indicated that Wackenhut employees are required by terms of their employment application, Collective Bargaining Agreement, and the Security Officer's Handbook to report to work when required.

Thus, the petitioner contends that a worker employed by Wackenhut at an NRC-licensed facility reported to his management that he felt unfit for duty, declined to report for mandated overtime, and was terminated.

The petitioner also stated that ''10 CFR 26.20 requires all licensees to have formal policy and written procedures for factors that could render plant workers unfit for duty. Fatigue is specifically mentioned in 10 CFR 26.20.'' The petitioner contends that the Wackenhut's contractual right conflicts with the Federal regulations in 10 CFR 26.10 (a) and (b) and that in the subject case, the individual essentially provided ''reasonable measures for early detection'' of a condition rendering him unfit to perform activities within the scope of part 26. The petitioner further stated that rather than respecting the individual's judgment or seeking another opinion by a Medical Review Officer or other health care professional, Wackenhut fired that individual.

This Petition has been accepted for review pursuant to 10 CFR 2.206 of the NRC's regulations, and has been referred to the Director of the Office of Nuclear Reactor Regulation for action. In accordance with Section 2.206,

appropriate action will be taken on this Petition. The Petition and the NRC's acknowledgment letter are available in ADAMS for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, *http://www.nrc.gov* (the Public Electronic Reading Room) at Accession Nos. ML011150296 and ML011410223, respectively. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Jon R. Johnson,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 01–13896 Filed 6–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Joint Panel Meeting: June 20–21, 2001—Las Vegas, Nevada

Discussions of the Department of Energy's Supplemental Science and Performance Analyses (SSPA) report, which is expected to be released around the time of the meeting. Presentations on how the SSPA addresses four priority areas previously identified by the Nuclear Waste Technical Review Board as essential elements of any recommendation of the possible repository site at Yucca Mountain, Nevada.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, on Wednesday, June 20, and Thursday, June 21, 2001, members of the Nuclear Waste Technical Review Board's (Board) Panel on Performance Assessment and its Panel on the Repository will hold a joint meeting in Las Vegas, Nevada, to discuss the U.S. Department of Energy's (DOE) Supplemental Science and Performance Analyses (SSPA). The *SSPA*, which is expected to be released around the time of the meeting, will cover recent scientific and engineering studies and analyses not reported in previous DOE publications related to the possible repository site at Yucca Mountain, Nevada. The meeting will be open to the public, and opportunities for public comment will be provided. The Board is charged by Congress with reviewing the technical and scientific validity of DOE activities related to civilian radioactive waste management.

The joint panel meeting will be held at the Crowne Plaza Hotel, 4255 South Paradise Road, Las Vegas, Nevada 89109. The telephone number is (702) 369–4400; the fax number is (702) 369–3770. Meeting times are 1:00 p.m. to 5:00 p.m. on Wednesday, June 20, and 8:00 a.m. to 5:00 p.m. on Thursday, June 21.

On June 20, the DOE will present the purpose, content, and overall results of the SSPA.

On June 21, the DOE will describe in detail how the SSPA addresses four priority areas identified by the Board at its January 2001 meeting in Amargosa Valley, Nevada, as essential elements of any potential site recommendation:

- Meaningful quantification of conservatisms and uncertainties in the DOE's performance assessments
- Progress in understanding the underlying fundamental processes involved in predicting the rate of waste package corrosion
- An evaluation and a comparison of the base-case repository design with a low-temperature design
- Development of multiple lines of evidence to support the safety case of the proposed repository. The lines of evidence should be derived independently of performance assessment and thus not be subject to the limitations of performance assessment.

Time will be set aside at the end of each day for public comments. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record. Interested parties also will have the opportunity to submit questions in writing.

A detailed agenda will be available approximately one week before the meeting. Copies of the agenda can be requested by telephone or obtained from the Board's Web site at www.nwtrb.gov. Transcripts of the meeting will be available on the Board's Web site, via e-mail, on computer disk, and on a library-loan basis in paper format from Davonya Barnes of the Board staff, beginning on July 30, 2001.

A block of rooms has been reserved at the Crowne Plaza. Reservations must be made by May 25 to receive the meeting rate. When making a reservation, please state that you are attending the Nuclear Waste Technical Review Board meeting. For more information, contact the NWTRB: Karyn Severson, External Affairs; 2300 Clarendon Boulevard, Suite 1300; Arlington, Virginia 22201–3367; (tel) 703–235–4473; (fax) 703–235–4495; (e-mail) info@nwtrb.gov.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987. The Board's purpose is to evaluate the technical and scientific validity of activities undertaken by the Secretary of Energy related to managing the disposal of the nation's spent nuclear fuel and high-level radioactive waste. In the same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, to determine its suitability as the location of a potential repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste.

Dated: May 17, 2001.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 01–13868 Filed 6–1–01; 8:45 am]

BILLING CODE 6820–A–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Reclearance of Previously Approved Collections; SF 85, SF 85P, SF 85P–S, SF 86, SF 86A

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 2, 1995) and 5 CFR 1320.5(a)(1)(iv), this notice announces that OPM intends to submit to the Office of Management and Budget (OMB) a request for reclearance of five (5) information collections described below and solicits comments on them. Executive Order 12968 dated August 2, 1995, establishes a uniform Federal personnel security program. In addition, Executive Order 10450 requires an investigation appropriate to position sensitivity level.

The Standard Form 85, Questionnaire for Non-Sensitive Positions, is completed by appointees to non-sensitive duties with the Federal government. Information collected on this form is used by the Office of Personnel Management and by other Federal agencies to initiate the background investigations required to determine basic suitability for Federal employment in accordance with 5 U.S.C 3301, 3302 and 3304 and E.O. 10577 (5 CFR Rule V) as amended by E.O. 12107.

The number of respondents annually who are not Federal appointees is expected to be 10 with total reporting hours of 5.

The Standard Form 85P, Questionnaire for Public Trust Positions, is completed by persons seeking placement in positions currently labeled ''public trust'' positions because of their enhanced responsibilities, and in certain sensitive positions, that do not require access to classified information. This information collection includes Standard Form 85P–S, Supplemental Questionnaire for Selected Positions. Information collected on the SF 85P and SF85 P–S is used by OPM and other Federal agencies to initiate background investigations required to determine suitability for placement in public trust or other sensitive, non-access positions in accordance with 5 U.S.C. 3301 and 3302, E.O. 10577 (5 CFR Rule V) as amended by E.O. 12107, and OMB Circular A–130, Management of Federal Information Resources, revised November 28, 2000. The number of respondents annually who are not Federal employees is expected to be 1500 with total reporting hours of 1500.

The Standard Form 86, Questionnaire for National Security Positions, is completed by persons performing or seeking to perform national security duties for the Federal government. This information collection also includes Standard Form 86A, Continuation Sheet for Questionnaires, SF86, SF85P and SF85, which is used to provide formatted space to continue answers to questions. Information collected is used by the Office of Personnel Management and by other Federal agencies to initiate the background investigations required to determine placement in national security positions in accordance with 42 U.S.C. 2165, E.O. 10450, Security Requirements for Government Employment, and E.O. 12968, Access to Classified Information. The number of respondents annually who are not Federal employees is expected to be 172,150 with total reporting hours of 258,225.

Comments are particularly invited on the following:

—Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of collection of information on those who respond through the use of appropriate technological collection techniques or other forms of information technology.

To obtain copies of this information, please contact Mary Beth Smith-Toomey at (202) 606–8358 or by e-mail at *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received on or before August 3, 2001.

ADDRESSES: Send or deliver written comments to: Richard A. Ferris, Associate Director, Investigations Service, Office of Personnel Management, 1900 E Street, NW Room 5416, Washington, DC 20415–4000.

FOR FURTHER INFORMATION CONTACT: Rasheedah I. Ahmad, Program Analyst, Investigations Service, OPM, (202) 606–7983 or fax (202) 606–2390.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–13920 Filed 6–1–01; 8:45 am]

BILLING CODE 6235–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reinstatement, With Change, of a Previously Approved Information Collection for Which Approval Has Expired: Forms RI 38–117, 38–118, AND 37–22

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for reinstatement, with change, of a previously approved information collection for which approval has expired. RI 38–117, Rollover Election, is used to collect information from each payee affected by a change in the tax code (Public Law 102–318) so that OPM can make payment in accordance with the wishes of the payee. RI 38–118, Rollover Information, explains the election. RI 37–22, Special Tax Notice Regarding Rollovers, provides more detailed information.

Approximately 1,000 RI 38–117 forms will be completed annually. We estimate it takes approximately 30 minutes to complete the form. The annual burden is 500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before July 5, 2001.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415–3450

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–13918 Filed 6–1–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for an Expiring Information Collection: RI 30–10

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of an expiring information collection. RI 30–10, Disabled Dependent Questionnaire, is used by the Office of Personnel Management to collect information about the medical condition and earning capacity of disabled adult children to determine whether they are eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System or the Federal Employees Retirement System.

Approximately 2,500 RI 30–10 forms will be completed annually. The form takes approximately 60 minutes to complete. The annual burden is 2,500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before July 5, 2001.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–13919 Filed 6–1–01; 8:45 am]

BILLING CODE 6325–50–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting: Notification of Item Added to Meeting Agenda

DATE OF MEETING: June 4, 2001.

STATUS: Closed.

PREVIOUS ANNOUNCEMENT: 66 FR 28764, May 24, 2001.

ADDITION: Postal Rate Commission Opinion and Recommended Decision in Docket No. MC2001–1, Experimental Presorted Priority Mail Rate Categories. By paper vote on May 29 and 30, 2001, the Board of Governors of the United States Postal Service voted unanimously to add this item to the agenda of its closed meeting and that no earlier announcement was possible. The General Counsel of the United States Postal Service has certified that in her opinion discussion of this item may be properly closed to public observation under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–14132 Filed 5–31–01; 3:15 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Request for Internet Services.

The RRB is establishing a Person Identification Number (PIN)/Password system that will allow RRB applicants, annuitants and other customers to conduct business with the agency electronically. As part of that system, the RRB will collect and use information needed to establish a Password Request Code (PRC) with the RRB. Once a PRC is established, the RRB will collect information from users to establish a unique PIN/Password that will allow access to all RRB Internet based applications. To receive a PRC, the RRB will request that the following information be provided in all cases: The name of the railroad employee, the railroad employee's Social Security Number, their date of birth and their mailing address. In addition, spouses of railroad employees requesting their own PRC's will also be required to provide their full name, social security number, date of birth and mailing address if difference from the railroad employee. Optional information will include their internet E-mail address and day time telephone number. The information provided will be matched against records of the railroad employee maintained by the RRB. If the information is verified, the request will be approved and the RRB will mail a PRC to the requestor. If the information does not match, the requestor will be advised to contact the nearest RRB field office to resolve any discrepancy. After obtaining a PRC from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor will have access to all RRB Internet based applications.

The RRB estimates that approximately 5000 requests for PRC's and PIN/Passwords will be received annually. Completion is voluntary, however, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed. We estimate that it will take about 5 minutes per response to secure a PRC and about 1.5 minutes to establish a PIN/Password.

Additional Information or Comments

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–13937 Filed 6–1–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44354; File No. SR–Amex–2001–25]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Relating to Generic Listing Standards for Portfolio Depository Receipts and Index Fund Shares

May 25, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given than on May 3, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Amex Rule 1000, Commentary .03 and Rule 1000A, Commentary .02 regarding generic listing standards for Portfolio Depositary Receipts (''PDRs'') and Index Fund Shares. Below is the text of the proposed rule change. Text in brackets indicates material to be deleted, and text in italics indicates material to be added.

* * * * *

Portfolio Depositary Receipts

Rule 1000 No change.

* * * * *

Commentary

* * * * *

.03 The Exchange may approve a series of Portfolio Depositary Receipts for listing and trading pursuant to Rule 19b–4(e) under the Securities Exchange Act of 1934 provided each of the following criteria is satisfied:

(a) Eligibility Criteria for Index Components. Upon the initial listing of a series of Portfolio Depositary Receipts on the Exchange, the component stocks of an index or portfolio underlying such series of Portfolio Depositary Receipts shall meet the following criteria:

(1) No change

(2) No change

(3) The most heavily weighted component stock cannot exceed [25%] *30%* of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65% of the weight of the index or portfolio.

No further change.

* * * * *

Index Fund Shares

Rule 1000A

* * * * *

Commentary

* * * * *

.02 The Exchange may approve a series of Index Fund Shares for listing pursuant to Rule 19b–4(e) under the Securities Exchange Act of 1934 provided each of the following criteria is satisfied:

(a) Eligibility Criteria for Index Components. Upon the intital listing of a series of Index Fund Shares, each component of an index or portfolio underlying a series of Index Fund Shares shall meet the following criteria:

(1) No change.

(2) No change.

(3) The most heavily weighted component stock cannot exceed [25%] *30%* of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65% of the weight of the index or portfolio.

No further change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amex Rule 1000, Commentary .03 and Rule 1000A, Commentary .02 provide generic listing standards for PDRs and Index Fund Shares, respectively, to permit listing and trading of these securities pursuant to Rule 19b–4(e) under the Act.[3] Rule 19b–4(e)[4] provides that the listing and trading of a new derivative securities product by a self-regulatory organization shall not be deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4,[5] if the Commission has approved, pursuant to section 19(b) of the Act,[6] the self-regulatory organization's trading rules, procedures and listing standards for the product class that would include the new derivative securities product, and the self-regulatory organization has a surveillance program for the product class.[7] The Commission has approved Rule 1000, Commentary .02 and Rule 1000A, Commentary .03.[8]

These generic listing standards are intended to ensure that a substantial portion of the weight of an index or portfolio is accounted for by stocks with substantial market capitalization and trading volume. Rule 1000, Commentary .03 and Rule 1000A, Commentary .02 provide that, upon the initial listing of a series of PDRs or Index Fund Shares under rule 19b–4(e),[9] component stocks that in the aggregate account for at least 90 percent of the weight of the index or portfolio must have a minimum market value of at least $75 million. In addition, the component stocks in the index must have a minimum monthly trading volume during each of the last six months of at least 250,000 shares for stocks representing at least 90 percent of the weight of the index or portfolio.

Currently, Rule 1000, Commentary .03(a)93), and Rule 1000A, Commentary .02(a)(3) provide that the most heavily weighted component stock in an underlying index cannot exceed 25 percent of the weight of the index or portfolio, and the five most heavily weighted component stocks cannot exceed 65 percent of the weight of the index or portfolio. The Exchange proposes to increase from 25 percent to 30 percent the permissible weight of the most heavily weighted component stock in an underlying index. The Exchange is not amending the existing requirement that the five most heavily weighted stocks cannot exceed 65 percent of the weight of the index or portfolio. This change will provide additional flexibility to unit investment trusts or mutual funds to be listed pursuant to Rule 19b–4(e)[10] in structuring their products and will help reduce possible concerns associated with a single stock exceeding the 25 percent threshold immediately prior to initial listing and trading due to a spike in the price of the most heavily weighted index stock. The Exchange notes that, notwithstanding this change, unit investment trusts (including PDRs) and mutual funds (including Index Fund Shares) are subject to Internal Revenue Code Subchapter M requirements applicable to regulated investment companies. In order to maintain regulated investment company status, these entities would be required to rebalance their portfolios quarterly to avoid any one stock exceeding a 25 percent weighting in the trust's or fund's portfolio.[11]

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act[12] in general, and furthers the objective of

[3] 17 CFR 240.19b–4(e).

[4] 17 CFR 240.19b–4(e).

[5] 17 CFR 240.19b–4(c)(1).

[6] 15 U.S.C. 78s(b).

[7] *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998).

[8] *See* Securities Exchange Act Release No. 42787 (May 15, 2000), 65 FR 33598 (May 24, 2000).

[9] 17 CFR 240.19b–4(e).

[10] 17 CFR 240.19b–4(e).

[11] Under Subchapter M of the Internal Revenue Code, for a fund to qualify as a regulated investment company, the securities of a single issuer can account for no more than 25 percent of a fund's total assets, and at least 50 percent of a fund's total assets must be comprised of cash (including government securities) and securities of single issuers whose securities account for less than 5 percent of such fund's total assets.

[12] 15 U.S.C. 78f(b).

section 6(b)(5) of the Act [13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–2001–25 and should be submitted by June 25, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13883 Filed 6–1–01; 8:45 am]

BILLING CODE 8010–01–M

[13] 15 U.S.C. 78f(b)(5)

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44356; File No. SR–CBOE–00–56]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc.; To Amend Its Rules To Allow for Certain Orders Entered Through the Exchange's Order Routing System To Automatically Trade Against Orders in the Exchange's Customer Limit Order Book

May 25, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 13, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules to provide for certain orders entered through the Exchange's Order Routing System (''ORS'') to automatically trade against orders in the Exchange's customer limit order book. Below is the text of the proposed rule change. Proposed new language is in *italics.*

* * * * *

Chicago Board Options Exchange, Incorporated

Rules

* * * * *

Chapter VI—Doing Business on the Exchange Floor

Rule 6.8.B. Automatic ORS Order Execution Against Booked Orders

(a) When the best bid or offer on the Exchange's book constitutes the best bid or offer on the Exchange, any marketable public customer order routed through the Exchange's Order Routing System (''ORS'') will be automatically executed against the book up to the size of the booked order(s) establishing the best bid or offer on the Exchange to the extent such execution is not a price inferior to the current best bid or offer in any other market. Any remaining balance of the marketable public customer ORS order shall be rerouted through ORS and handled in accordance with all applicable Exchange rules and policies.

(b) The appropriate Floor Procedure Committee (''FPC'') may determine which option classes will be subject to paragraph (a) of this Rule.

(c) In unusual market conditions, two Floor Officials, the FPC Chairman, or the Chairman's designee may exempt an option class from paragraph (a) of this Rule.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 1, 1998, the Commission approved a CBOE rule change establishing the Exchange's Automated Book Priority System (''ABP'').[3] ABP allows an order entered into the Exchange's Retail Automatic Execution System (''RAES'') to trade directly with an order on the Exchange's customer limit order book in those cases where the best bid (offer) on the Exchange's book is equal to the prevailing market bid (offer). ABP has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 41995 (October 8, 1999), 64 FR 56547 (October 20, 1999).

aided customers using the RAES system as well as customers whose orders are in the Exchange's book, because both categories of orders have been executed more quickly than they would have been executed otherwise. Further, ABP has been beneficial in helping prevent RAES orders from becoming subject to market risk and in preserving the priority of booked orders. The Exchange now proposes to expand the application of the ABP system to allow booked orders to trade directly with any incoming marketable public customer order routed through ORS, as opposed to only RAES-eligible orders.

Currently, when a non-RAES eligible order is entered into the Exchange's ORS at a time when the prevailing market bid (offer) is equal to the best bid (offer) on the Exchange's book, the order is routed to a Floor Broker's terminal, a work station in the crowd, or the order-sending firm's booth. This helps ensure that the orders are handled and executed in a manner that is consistent with CBOE Rule 6.45, which provides that bids or offers displayed on the customer limit order book are entitled to priority over other bids or offers at the same price. However, once an order is so routed, that order becomes subject to market risk as there may be some delay between the time the order is rerouted and the time the order is actually filled in open outcry. In times of extreme market volatility, even a short period of time between the rerouting and the execution of the order could have a significant effect on the price at which the order is executed.

To remedy this delay in the execution of marketable public customer ORS orders, the Exchange proposes to automatically execute incoming marketable public customer ORS orders against the customer limit order book in instances where a booked limit order represents or equals the prevailing best bid (offer). No automatic execution would take place if such execution would be a price that is inferior to the current best bid (offer) in any other market. The ORS order would be executed up to the size of the customer limit order(s) in the book establishing such prevailing best bid (offer). Any remaining balance of the ORS order would be instantly rerouted through the ORS as if it were a new order, which could, among other things, include handling under CBOE's RAES Rule (Rule 6.8).

The proposed change would be contained in proposed new Rule 6.8.B., which would further provide that the appropriate Floor Procedure Committee (''FPC'') could determine which option classes would be subject to the rule. Furthermore, the proposed rule would allow two Floor Officials, the FPC Chairman, or the Chairman's designee to attempt an option class or classes from the proposed rule's requirements if warranted by unusual market conditions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of section 6(b)(5) of the Act [4] in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20594–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–00–56 and should be submitted by June 25, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13884 Filed 6–1–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44364; File No. SR–GSCC–2001–04]

Self-Regulatory Organizations; The Government Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to Fee Structures

May 29, 2001.

Pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 (''Act,'') [1] notice is hereby given that on April 18, 2001, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') and on April 27, 2001, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow GSCC to amend its fee structure to reallocate certain repurchase transaction (''repo'') processing fees in both its delivery-versus-payment (''DVP'') and GCF Repo services to provide for a more equitable distribution among its members. These changes became effective on May 1, 2001.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statement concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Effective February 2, 1998, GSCC revised its pricing structure for the cost of carry related to term repo transactions (*i.e.,* repo transactions in which the close leg is scheduled to settle more than one day after the start leg) in its DVP service to: (a) Cover the true cost of providing its netting services to such transactions, which involves significant risk management, operational, and technological resources and (b) more closely reflect the benefits derived by members from the service.[3] To accomplish these goals, GSCC shifted from a transactional charge to a basis point charge, which is a more appropriate pricing method because it is based on the size of the term repo transaction in dollar terms. It thus reflects the fact that the larger the dollar amount of the repo the more risk it brings to GSCC. Moreover, the larger the dollar amount of the repo the greater the benefits incurred by the member, including balance sheet relief and guaranteed settlement.

The basis point charges that were adopted by GSCC and are currently in effect are as follows: (1) A .015 basis point fee is applied to the gross dollar amount of each repo transaction that has been compared and netted but which has not yet settled and (2) a .060 basis point fee is applied to the net dollar amount of a member's repo transactions within a CUSIP that have been compared and netted; but which has not yet settled. The fee in subsection (1) reflects the potential balance sheet offset benefit derived by the member for its repo activity. The fee in subsection (2) reflects the guarantee of settlement and other risk management benefits provided by GSCC once a member's activity has been netted within a CUSIP. A similar set of fees applies to GCF Repo transactions with no distinction between overnight and term GCF Repo transactions.

The proposed rule change addresses the manner in which the fee in subsection (1) above is applied to brokered term repo transactions. Currently if Dealer A and Dealer B enter into a DVP term repo transaction or a GCF Repo transaction through Repo Broker C, each of Dealer A and Dealer B would be subject to the .015 basis point charge. Repo Broker C, however, would be subject to two .015 basis point charges (*i.e.,* the repo transaction with Dealer A and the reverse with Dealer B for a total .030 basis point fee). It is the inequity in the application of the fee structure to brokers and dealers that GSCC is proposing to address herein.

Specifically, GSCC is proposing to reduce the fee for repo brokers with respect to their DVP term brokered repo transaction activity and their GCF Repo transaction activity to a .010 basis point fee and to increase the fee for all other netting members (including repo brokers with respect to their non-brokered repo transaction activity) to a .020 basis point fee. Therefore, in the example above, each of Dealer A, Dealer B, and Repo Broker C would be required to pay a .020 basis point fee. Repo Broker C's fee reflects a .010 basis point charge for the repo with Dealer A and a .010 basis point charge for the reverse with Dealer B. This results in a more equitable treatment of all of the parties to the transaction.

GSCC is not proposing any changes to the current .060 basis point fee applicable to the net dollar amount of DVP term repo transactions within a CUSIP or GCF Repo transactions. The .060 basis point fee, which is based on netted dollar amounts, does not raise issues of inequitable application because brokers maintain flat positions.

The proposed rule change is consistent with the requirements of Act because it involves changes to GSCC's fee structure that more fairly reflects the distribution of the costs incurred by GSCC in providing services to its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act and Rule 19b–4(f)(2) thereunder because the proposed rule change is changing a due, fee, or charge imposed by the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–2001–04 and should be submitted by June 25, 2001.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13956 Filed 6–1–01; 8:45 am]

BILLING CODE 8010–01–M

[2] The Commission has modified the text of the summaries prepared by GSCC.

[3] Securities Exchange Act Release No. 34–39685 (February 27, 1998), 63 FR 10055 [File No. SR–GSCC–97–09] (approving amendments to GSCC's fees for processing term repurchase agreements).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44355; File No. SR–PCX–2000–21]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Pacific Exchange, Inc. Concerning Financial Arrangements of Options Floor Members

May 25, 2001.

I. Introduction

On July 12, 2000, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change to eliminate PCX Rule 6.40, which pertains to financial arrangements of options floor members, and to adopt supplemental rules on options floor members who are trading for the same joint account.[3] The PCX submitted Amendment No. 1 to the proposed rule change on November 29, 2000.[4] The proposed rule change, as amended, was published for comment and appeared in the **Federal Register** on December 22, 2000.[5] The Commission received no comments on the proposal. This order approves the PCX's proposed rule change, as amended.

II. Description of the Proposal

The PCX proposes to eliminate PCX Rule 6.40, which currently prohibits options floor members with financial arrangements from trading in the same trading crowd unless they have received either a short-term or a long-term exemption from the Options Floor Trading Committee.

The PCX proposes to replace PCX Rule 6.40 with PCX Rule 6.84(h), which governs options floor trading for joint accounts. Proposed subsection (h)(1) of PCX Rule 6.84 states that a joint account may be simultaneously represented in a trading crowd only by participants who are trading in person. It further provides that orders for a joint account may not be entered in a trading crowd in which a participant of the joint account is trading in person for the joint account. If no participant is trading in person in the trading crowd for the joint account, then a floor broker may represent orders in the trading crowd on behalf of the joint account as long as the same option series is not concurrently represented by more than one floor broker.

Proposed subsection (h)(2) of PCX Rule 6.84 provides that market makers may alternate trading in-person between their individual and joint accounts while in the trading crowd. It further provides that market makers who alternate trading between accounts must ensure that while trading the joint account another participant does not enter orders through a floor broker for the joint account in the same trading crowd.

Proposed subsection (h)(3) of PCX Rule 6.84 provides that before beginning trading on behalf of a joint account, participants in the joint account are responsible for determining whether any floor brokers are representing orders in the same trading crowd on behalf of the same joint account.[6]

Proposed subsection (h)(4) of PCX Rule 6.84 provides that floor brokers may not represent a joint account of which they are a participant.

Proposed subsection (h)(5) of PCX Rule 6.84 provides that market makers who are trading in person in a trading crowd may not enter orders with a floor broker either for joint accounts in which they are participants or for their individual accounts.

Proposed subsection (h)(6) of PCX Rule 6.84 provides that the following trades are prohibited: (a) Trades between a joint account participant's individual account and a joint account in which that person is a participant; (b) trades between two joint accounts having common participants; and (c) trades in which the buyer and seller are representing the same joint account and are on opposite sides of the transaction.

PCX Rule 6.85 currently provides that a market maker and a floor broker who represents orders on behalf of the market maker may not be represented at a trading post concurrently. This principle against dual representation of a market maker account has been extended to cover joint accounts, as currently provided in PCX Rule 6.84, Commentary .04.[7] The Exchange is now proposing to adopt supplemental procedures that apply to situations where a joint account is being concurrently represented by more than one market maker representative, and to situations where a joint account is being represented by a floor broker.[8]

Finally, the Exchange is proposing to make technical changes to PCX Rule 4.18 and PCX Rule 6.84 by removing cross-references to PCX Rule 6.40.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules thereunder applicable to a national securities exchange, particularly section 6(b)(5) of the Act.[9]

PCX Rule 6.40 restricts PCX floor members who have financial arrangements with each other from trading in the same trading crowd at the same time in the absence of an exemption. The purpose of PCX Rule 6.40 is to prevent market makers who have financial arrangements with each other from unfairly dominating the market in any option class or series.

The Commission finds that it is appropriate for the PCX to eliminate PCX Rule 6.40 and to adopt new provisions under PCX Rule 6.84 imposing trading restrictions on PCX members who trade on behalf of the same joint account. The revisions to PCX Rule 6.84 specify the circumstances when orders may be entered or represented in a trading crowd on behalf of a joint account, and also prohibit certain trades between joint accounts. Moreover, the new provisions of PCX Rule 6.84 govern the practice of market makers alternating trading between their individual and joint accounts. Finally, as the PCX points out, PCX Rule 6.37(c)(2) precludes market makers, individually or as a group, from dominating the market irrespective of whether the parties have a financial arrangement with each other.

In view of the foregoing, the Commission believes that the

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The PCX subsequently submitted the text of the proposed rule change language properly formatted for publication in the **Federal Register**. The reformatted version did not contain any substantive changes to the proposed rule change language. *See* letter dated November 1, 2000, from Michael D. Pierson, PCX, to Kelly Riley, Division of Market Regulation, SEC.

[4] Letter dated November 29, 2000, from Michael D. Pierson, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, SEC.

[5] Securities Exchange Act Release No. 43714 (December 12, 2000), 65 FR 80970 (December 22, 2001).

[6] *Cf.* PCX Rule 6.85, Commentary .01 (similar requirement applicable to market makers).

[7] Commentary .04 of PCX Rule 6.84 provides:

Any order of a joint account participant, which is executed by a Floor Broker, shall be in accordance with procedures set forth in Rule 6.85, except that the joint account trading number with its alpha identification should appear in the 'executing firm' area. Additionally, a joint account participant may not bid, offer, purchase, sell, or enter orders in an option series in which a Floor Broker holds an order on behalf of the joint account or for the proprietary account of another participant in the joint account. Orders of joint account participants in a particular option series may not be concurrently represented by one or more Floor Brokers.

[8] The Exchange believes that these procedures are substantially the same as those set forth in Regulatory Circular RG–98–94 of the Chicago Board Options Exchange (Joint Account Participant Trading in Equity Options) (September 9, 1998), CCH ¶5291.

[9] 15 U.S.C. 78f(b)(5).

elimination of PCX Rule 6.40, in conjunction with the codification of new paragraph (h) of PCX Rule 6.84, should help assure an appropriate balance between the need to impose reasonable trading restrictions for joint account participants and the need to allow PCX members flexibility to participate in trading crowds. Accordingly, the Commission finds that the PCX's proposal is designed to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest, as specified in section 6(b)(5) of the Act.[10]

IV. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR–PCX–00–21) is approved.[12]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13882 Filed 6–1–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44345; File No. SR–PCX–99–48]

Self-Regulatory Organization's; Pacific Exchange, Inc.; Order Approving Proposed Rule Change and Amendments No. 1, 2 and 3 Relating to Miscellaneous House-Keeping Amendments to Options Trading Rules

May 23, 2001.

I. Introduction

On November 5, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its options trading rules for house-keeping purposes.

The proposed rule change and Amendment No. 1 were published for comment in the **Federal Register** on January 16, 2001.[3] No comments were received on the proposal. The proposal was amended on January 11 and April 12, 2001.[4] In this order, the Commission is approving the proposed rule change, as amended.

II. Description of the Proposal

The PCX proposes to modify its rules on options trading by clarifying existing provisions, eliminating superfluous provisions, codifying current policies and procedures, and renumbering certain Option Floor Procedure Advices.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of section 6(b)(5).[5] Specifically, the Commission finds that updating and clarifying rules and codifying current policies and procedures will enhance the ability of PCX members to comply with PCX's rules thereby promoting just and equitable principles of trade, fostering cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and in general, protecting investors and the public interest.

The Commission also considers the proposal as it relates to the PCX's minor rule violation plan to be consistent with section 6(b)(5),[6] which requires that members and persons associated with members be appropriately disciplined for violations of Exchange Rules.

IV. Conclusion

It is therefore Ordered, pursuant to section 19(b)(2) of the Act,[7] that the proposed rule change (SR–PCX–99–48), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13885 Filed 6–1–01; 8:45am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44362; File No. SR–Phlx-2001–56]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Extend Its Pilot Program to Disengage Its Automatic Execution System (''AUTO–X'') for a Period of Thirty Seconds After the Number of Contracts Automatically Executed in a Given Option Meets the AUTO–X Minimum Guarantee for That Option

May 29, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 17, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC''or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis, for a six-month pilot, scheduled to end on May 31, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to extend, for an additional six months, its pilot program effecting a systems change to AUTO–X, the automatic execution feature of the Exchange's Automated Options Market System (''AUTOM''),[3] that would

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[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(2).

[12] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). 17 CFR 200.30–3(a)(12).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43823 (January 9, 2001), 66 FR 3633.

[4] *See* letters from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX to Heather Traeger, Attorney Adviser, Division of Market Regulation (''Division''), SEC, dated January 10 and April 11, 2001 (''Amendment Nos. 2 and 3,'' respectively). In Amendment No. 2, proposed rules 10.13(h)(35) and 10.13(k)(i)(35) are renumbered as 10.13(h)(38) and 10.13(k)(i)(38) because Rules 10.13(h)(35), (36) and (37) already exist. In Amendment No. 3, Rules 10.13(h)(30) and 10.13(k)(i)(30), which address fines for violations of option floor trading restrictions on members with financial arrangements (Rule 6.40(b)), are eliminated to reflect rule changes made by other filings. Also rules affected by the removal of Rules 10.13(h)(30) and 10.13(k)(i)(30) are renumbered. These are technical amendments that do not need to be published for comment.

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(6).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] AUTOM is the Exchange's electronic order delivery and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floors. Orders delivered through AUTOM may be executed manually, or certain orders are eligible for AUTOM's automatic execution feature, AUTO–X.

Continued

disengage AUTO–X for a period of thirty seconds after the number of contracts automatically executed in a given option meets the AUTO–X minimum guarantee for that option. The Exchange also proposes to expand the number of options eligible for inclusion in the pilot from the current amount of up to thirty options to an amount not to exceed 100 options, subject to the approval of the Options Committee. The pilot program was originally approved on a six-month pilot basis, and will expire on May 31, 2001.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to extend the pilot program for an additional six-month period, and proposes to expand the number of options eligible for inclusion in the pilot program to an amount not to exceed 100 options, subject to the approval of the Options Committee.

On December 1, 2000, the Phlx's pilot program became effective.[5] The pilot program includes the following features:

• Once an automatic execution occurs via AUTO–X in an option, the system would begin a ''counting'' program, which would count the number of contracts executed automatically for that option, up to the AUTO–X guarantee, regardless of the number of executions.

• When the number of contracts executed automatically for that option meets the AUTO–X guarantee within a fifteen second time frame, the system would cease to automatically execute for that option, and would drop all AUTO–X eligible orders in that option for manual handling by the specialist for a period of thirty seconds to enable the specialist to refresh quotes in that option.[6]

• Upon the expiration of thirty seconds, automatic executions would resume and the ''counting'' program would be set to zero and begin counting the number of contracts executed automatically within a fifteen second time frame again, up to the AUTO–X guarantee.

• Again, when the number of contracts automatically executed meets the AUTO–X guarantee within a fifteen second time frame, the system would drop all subsequent AUTO–X eligible orders for manual handling by the specialist for a period of thirty seconds.

A significant purpose of this pilot program is to enable the Exchange to move towards the dissemination of options quotations with size.[7] The ''counting'' feature of the pilot program functions to disengage AUTO–X for a period of thirty seconds in a given option once the number of contracts automatically executed meets the AUTO–X guarantee for that option within a fifteen-second time frame. A similar ''counting'' mechanism is expected to be utilized upon the implementation of the systems necessary for the dissemination of options quotations with size. Thus, the proposed extension of the pilot program should allow the Exchange to continue its efforts in the process of moving towards the implementation of quotations with size.

The Exchange believes that an extension of the pilot program would enable specialists in the options included in the pilot program to continue to provide fair and orderly markets during peak market activity by manually executing orders at correct market prices and refreshing quotations to reflect market demand.

The Exchange further proposes to expand the number of options eligible for inclusion in the pilot program to an amount not to exceed 100 options to further enable the Exchange to prepare for, and ascertain the readiness of its systems for, the eventual floor-wide dissemination of options quotations with size.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6 of the Act[8] in general, and with section 6(b)(5) in paticular,[9] in that it is designed to perfect the mechanism of a free and open market and a national market system, protect investors and the public interest and promote just and equitable principles of trade by enabling Exchange specialists to maintain fair and orderly markets during periods of peak market activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not receive or solicit any written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange members into AUTOM are routed to the appropriate specialist unit on the Exchange's trading floor.

[4] *See* Securities Exchange Act Release No. 43652 (December 1, 2000), 65 FR 77059 (December 8, 2000) (SR-Phlx-00–96) (''Initial Pilot Program''). One comment letter was received regarding the Commission's approval of the Initial Pilot Program. *See* letter from George Brunelle, Brunelle & Hadjikow, to Jonathan G. Katz, Secretary, Commission, dated January 3, 2001.

[5] *See supra* note 4.

[6] Any orders delivered in excess of the minimum AUTO–X guarantee will be executed to the guaranteed amount and the excess will be dropped to the specialist for manual execution. *See* Initial Pilot Program, *supra* note 4.

[7] Currently, the size of any disseminated bid or offer by the Exchange is equal to the AUTO–X guarantee for the quoted option, except that the disseminated size of bids and offers of limit orders on the book is ten contracts and shall be firm regardless of the actual size of such orders. *See* Exchange Options Floor Procedure Advice F–7. The Exchange has established this rule setting forth the size for which its quotes are firm, and periodically publishes that size in accordance with recently amended Rule 11Ac1–1 under the Act (the ''Quote Rule''). *See* Securities Exchange Act Release No. 44145 (April 2, 2001), 66 FR 18662 (April 10, 2001) File No. SR–Phlx–01–37). The Initial Pilot Program is designed, in part, to enable the Exchange to roll out the system designed to decrement the disseminated size of Exchange quotes once such system is deployed.

[8] 15 U.S.C. 78f(b)

[9] 15 USC 78f(b)(5)

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–Phlx–2001–56 and should be submitted by June 25, 2001.

IV. Summary of Comment Regarding the Initial Pilot Program

The Commission received one comment letter regarding the Initial Pilot Program.[10] The commenter suggested that the Initial Pilot Program lacked appropriate safeguards to ensure time priority of customer orders when they are transferred from AUTO–X to a specialist. More specifically, the commenter was concerned that orders would not be executed immediately and therefore, would not receive the best price. In addition, the commenter compared the disengagement of AUTO–X to a trading halt without advance published notice. Finally, the commenter claimed that that the pilot program would result in a loss of predictability and reliability of quoted Phlx prices and would allow specialists to circumvent the Quote Rule, thereby hindering market efficiency.

V. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national securities system, and protect investors and the public interest.[12] The Commission believes that extension of the Initial Pilot Program should help the Exchange to prepare for disseminating its options quotes with size. In addition, the Commission believes that the proposal may assist specialists in maintaining fair and orderly markets during periods of peak market activity.

The Commission recognizes that during the six months of the Initial Pilot Program, the Phlx has received no complaints from customers, floor traders, or member firms. The Commission finds that the Phlx has adequately responded to concerns raised in the commenter's letter.[13] The Exchange noted that Phlx Rule 1080(c) provides the Phlx's Options Committee discretion to restrict the use of AUTO–X in any options series. The Exchange also clarified that orders will not be executed at an inferior price simply because they are not routed to the specialist for manual handling; the orders will be handled in a manner consistent with the Exchange's rules on priority, parity, and precedence and in compliance with the SEC's Quote Rule and Phlx Rule 1082 (''Firm Quotations'').

Consequently, the Commission believes that extending the Initial Pilot Program for an additional six months in a limited number of options should enable the Phlx to further evaluate the effect of disengaging AUTO–X under certain circumstances. The Commission finds that increasing the number of options included in the pilot program to an amount not to exceed 100 options is reasonable because no problems were reported during the six months of the Initial Pilot Program.

The Commission notes that the Exchange has represented that it will continue to evaluate the pilot program by reviewing specialists' performance in the selected options, and by monitoring any complaints relating to the pilot program.[14] Furthermore, the Commission notes that the Exchange has represented that it will continue to post on its website a list of options included in the pilot program, as well as issue a circular to this effect to members, member organizations, participants, and participant organizations explaining the pilot program and the circumstances in which the AUTO–X system will not be available for customer orders.[15]

Finally, the Commission finds good cause, pursuant to section 19(b)(2) of the Act,[16] for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission believes that granting accelerated approval to extend the Initial Pilot Program for six months will allow Phlx to continue, without interruption, the existing operation of its AUTO–X system.

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–Phlx–2001–56) is hereby approved on an accelerated basis, as a six-month pilot, scheduled to expire on November 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–13955 Filed 6–1–01; 8:45 am]

BILLING CODE 8010–01–M

[10] *See supra* note 4.

[11] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* letter from Richard S. Rudolph, Counsel, Phlx, to Jonathan G. Katz, Secretary, Commission, Phlx, dated May 21, 2001.

[14] Telephone conversation between Richard S. Rudolph, Counsel, Phlx, and Sapna C. Patel, Attorney, Division of Market Regulation (''Division''), Commission, on May 24, 2001.

[15] *Id.* Phlx also represented that it would include language in its circular clarifying that Auto–X will not be re-engaged until the expiration of the 30 second period, even after a quote is revised. Telephone conservation between Richard S. Rudolph, Counsel, Phlx, and Sonia Patton, Attorney, Division, Commission, on May 29, 2001.

[16] 15 U.S.C. 78s(b)(2).

[17] *Id.*

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3320, Amdt. #6]

State of Washington

In accordance with a notice received from the Federal Emergency Management Agency, dated May 21, 2001, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to June 30, 2001.

All other information remains the same, *i.e.,* the deadline for filing applications for economic injury the deadline is November 30, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 29, 2001.

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 01–13954 Filed 6–1–01; 8:45 am]

BILLING CODE 8025–01–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Proposed Collection, Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be

submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 C.F.R. section 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–2523.

DATES: Comments should be sent to the Agency Clearance Officer no later than August 3, 2001.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: Power Distributor Monthly and Annual Reports to TVA.

Frequency of Use: Monthly and Annual.

Type of Affected Public: Business or Local Government.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 2,054.

Estimated Total Annual Burden Hours: 3,792.

Estimated Average Burden Hours Per Response: 1.8 hours.

Need For and Use of Information: This information collection supplies TVA with financial and accounting information to help ensure that electric power produced by TVA is sold to consumers at rates which are as low as feasible.

Jacklyn J. Stephenson,

Senior Manager, Enterprise Operations Information Services.

[FR Doc. 01–13938 Filed 6–1–01; 8:45 am]

BILLING CODE 8120–08–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–9764]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Number 2115–0633

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR concerns the Streamlined Inspection Program. Before submitting the ICR to OMB, the Coast Guard is requesting comments on it.

DATES: Comments must reach the Coast Guard on or before August 3, 2001.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2001–9764], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for this request. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete ICR are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2001–9764], and give the reason for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Request

1. *Title:* Streamlined Inspection Program.

OMB Control Number: 2115–0633.

Summary: The Coast Guard established an optional Streamlined Inspection Program (SIP) to provide owners and operators of U.S. vessels an alternative method of complying with inspection requirements of the Coast Guard.

Need: Owners and operators of vessels opting to participate in the program will maintain each of their covered vessels in compliance with a Company Action Plan (CAP) and Vessel Action Plan (VAP) and have their own personnel periodically perform many of the tests and examinations normally conducted by marine inspectors of the Coast Guard. The Coast Guard expects that participating vessels will continuously meet a higher level of safety and readiness throughout the inspection cycle.

Respondents: Operators and owners of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 32,244 hours a year.

Dated: May 21, 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–13927 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–9762]

National Boating Safety Advisory Council; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Boating Safety Advisory Council (NBSAC). NBSAC advises the Coast Guard on matters related to recreational boating safety.

DATES: Application forms should reach us on or before September 10, 2001.

ADDRESSES: You may request an application form by writing to Commandant (G–OPB–1), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0950; or by faxing 202–267–4285. Send your application in written form to the above street address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Mr. A. J. Marmo, Executive Director of NBSAC, telephone 202–267–0950, fax 202–267–4285.

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Council (NBSAC) is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Coast Guard regarding regulations and other major boating safety matters. NBSAC members are drawn equally from the following sectors of the boating community: State officials responsible for State boating safety programs; recreational boat and associated equipment manufacturers; and national recreational boating organizations and the general public. Members are appointed by the Secretary of Transportation.

NBSAC normally meets twice each year at a location selected by the Coast Guard. When attending meetings of the Council, members are provided travel expenses and per diem.

We will consider applications for the following seven positions that expire or become vacant in December 2001: two representatives of State officials responsible for State boating safety programs; three representatives of recreational boat and associated equipment manufacturers; and two members of the general public. Applicants are considered for membership on the basis of their particular expertise, knowledge, and experience in recreational boating safety. Each member serves for a term of 3 years. Some members may serve consecutive terms.

In support of the policy of the Department of Transportation on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: May 25, 2001.

Kenneth T. Venuto,

Rear Admiral, U.S. Coast Guard, Director of Operations Policy.

[FR Doc. 01–13926 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Anderson Regional Airport, Anderson, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from Anderson County, South Carolina to waive the requirement that seven parcels of surplus property, located at the Anderson Regional Airport, be used for aeronautical purposes. The total land area is approximately 5.3 acres.

DATES: Comments must be received on or before July 5, 2001.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, 1701 Columbia Avenue, Campus Building, Suite 2–260, College Park, GA 30337.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Joey Preston, County Administrator of Anderson County, South Carolina at the following address; 101 South Main Street, Anderson, SC 29622.

FOR FURTHER INFORMATION CONTACT: Laura A. Breeding, Program Manager, Atlanta Airports District Office, 1701 Columbia Avenue, Campus Building, Suite 2–260, College Park, GA 30337, (404) 305–7149. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by Anderson County to release 5.3 acres of surplus property at the Anderson Regional Airport. Approximately 2.5 acres of the property will be purchased by the South Carolina Department of Transportation and used for the widening of South Carolina Route 24 from a two-lane section to a four-lane section with center left turn lane. The net proceeds from the sale of this property will be used for airport purposes. Approximately 2.8 acres of land will be released to Anderson County for the completion of their Warner Road Relocation project with an expansion to the northeast. There will be no exchange of funds for this parcel.

Any person may inspect the request in person at the FAA office listed above under ''FOR FURTHER INFORMATION CONTACT.'' In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at Anderson County Administrator's office.

Issued in Atlanta, Georgia on May 29, 2001.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 01–13959 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Associate Administrator for Commercial Space Transportation; Availability of a Final Programmatic Environmental Impact Statement (PEIS) for Licensing Launches

AGENCY: Federal Aviation Administration (FAA), Associate Administrator for Commercial Space Transportation (AST).

ACTION: Notice of availability.

SUMMARY: In accordance with requirements of the National Environmental Policy Act of 1969, as Amended, and FAA order 1050.1D—Policies and Procedures for Considering Environmental Impacts, the FAA announces the availability of a Final Programmatic Environmental Impact Statement (PEIS) for Licensing Launches.[1] The Programmatic EIS analyzes the potential environmental impacts of the proposed action of licensing launches, which is also the preferred alternative. Potential impacts of the proposed action and alternatives were analyzed in three major categories, atmospheric impacts, noise impacts and other environmental impacts. The FAA examined the range of potential impacts by considering the environmental characteristics of six different ecosystems representing various existing and potential launch locations throughout the U.S. and abroad.

The PEIS covers licensed launches from both existing government launch facilities and non-federal sites. The PEIS will update and replace the FAA's 1986 Programmatic Environmental

[1] Please note that the term ''commercial launch'' as used throughout the Draft Programmatic EIS has been removed from the Final Programmatic EIS and replaced with the term ''licensed launch''. This change was made for clarification purposes and not in response to public comment. The change was made because the FAA licenses some launches that are not strictly commercial in nature. This change does not alter the description of the proposed action or alternatives, nor does it alter the analyses contained in the Programmatic EIS.

Assessment (EA) for Commercial Expendable Launch Vehicle Programs, as announced in the **Federal Register** November 27, 1995 Notice of Intent. The PEIS assesses the potential environmental effects of launches from ignition, liftoff, and ascent through the atmosphere to orbit and the disposition of launch vehicle components down range. Any remaining launch processing (including vehicle assembly and payload preparation prior to liftoff, payload functioning during useful life, and payload reentry whether controlled or uncontrolled) are outside the scope of this PEIS. The scope is limited to the assessment of environmental consequences of the launch operations listed and does not include construction activities (*e.g.,* development of new launch sites or modification of existing ones). The information in the PEIS is not intended to address all site-specific launch issues.

The Final PEIS provides responses to comments on the Draft PEIS received in written form during the public review period for the Draft PEIS. The text and figures of the Draft PEIS have been revised as necessary to provide information and analyses requested by comments from the public. The Final PEIS is a comprehensive document containing the contents of the Draft PEIS, as revised, a summary of all comment letters received during the public review period and the FAA's official responses to those comments. A copy of the Final PEIS will be mailed to all parties who received the Draft PEIS directly from the FAA and additional parties who requested a copy of the document. The Final PEIS is available for review at FAA Headquarters in Washington, DC. A copy of the Final PEIS may be obtained from the FAA through request to the contact listed below.

In accordance with regulations at 40 Code of Federal Regulations 1506.10(b)(2), the FAA's decision on whether to proceed with the proposed action will not be made or recorded until the appropriate time. At the time such decision is made, the FAA will release a Record of Decision with that information.

DATES: Comments on the Final PEIS must be received within 30 days from publication of a Notice of Availability by the Environmental Protection Agency, expected June 8, 2001 and addressed to the FAA contact listed below. All substantive comments will be considered in the FAA Record of Decision (ROD) which will conclude the environmental process for this Federal action.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the Final PEIS may be addressed to Ms. Michon Washington, Office of the Associate Administrator for Commercial Space Transportation, Space Systems Development Division, Suite 331/AST–100, 800 Independence Avenue SW., Washington, DC 20591; email *michon.Washington@faa.gov* or phone 202–267–9305. Copies of the document are available on AST's web site *http://ast.faa.gov.*

Dated: May 30, 2001.

Michon L. Washington,

Senior Environmental Specialist, Space Systems Development.

[FR Doc. 01–13958 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (01–02–U–00–SGU) To Use the Revenue From a Passenger Facility Charge (PFC) at the St. George Municipal Airport, Submitted by the City of St. George, St. George, Utah

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 use PFC revenue at the St. George Municipal Airport under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 2, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan E. Wiechmann, Manager; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 E. 68th Avenue, Suite 224; Denver, CO 80249–6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Larry H. Bulloch, Director of Public Works, at the following address: City of St. George, 175 East 200 North, St. George, Utah 84770.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to the St. George Municipal Airport, under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, (303) 342–1258; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 68th Avenue, Suite 224; Denver, CO 80249–6361. 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 (01–02–U–00–SGU) to use PFC revenue at the St. George Municipal Airport, under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 29, 2001, the FAA determined that the application to use the revenue from a PFC submitted by the City of St. George, St. George Municipal Airport, St. George, Utah, was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 28, 2001.

The following is a brief overview of the application.

Level of the approved PFC: $3.00.

Charge effective date: May 1, 1998.

Proposed charge expiration date: September 1, 2002.

Total requested for use approval: $330,000.00.

Brief description of projects: rehabilitate Runway 16/34, Expand passenger terminal vehicle parking lot.

Class or classes of air carriers from which the public agency is not required to collect PFC's: Unscheduled part 135 air taxi operators.

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, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the St. George Municipal Airport.

Issued in Renton, Washington on May 29, 2001.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 01–13960 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Connecticut Department of Transportation

[Docket Number FRA–1999–6167]

Connecticut Department of Transportation (CDOT) seeks an extension of time for a previously granted temporary waiver of compliance with the Passenger Equipment Safety Standards, 49 CFR 238.235, which requires that by December 31, 1999, each power operated door that is partitioned from the passenger compartment shall be equipped with a manual override adjacent to that door. The previously granted extension expired on April 15, 2001. CDOT requests that a waiver extension be granted until October 31, 2001, for ten passenger coaches equipped with power operated side doors outside the passenger compartment. CDOT has stated that the parts needed to equip the ten cars were not received from the manufacturer until April 19, 2001. FRA has conditionally extended the time period to equip the cars until October 31, 2001. FRA has, however, reserved the right to withdraw such approval upon receipt by FRA of public comment raising substantial issues of safety.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–1999–6167) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, D.C. on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13928 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9417]

Applicant: CSX Transportation, Mr. Eric G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the traffic control system on Main Track No. 2, near Union City, Ohio, milepost QI197.64, on the Indianapolis Line Subdivision, Great Lakes Division. The proposed changes consist of the discontinuance and removal of absolute controlled signals 4E and 4W associated with the previous removal of the No. 1 switch.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13931 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9418]

Applicant: CSX Transportation, Incorporated, Mr. Eric G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation, Incorporated seeks approval of the proposed

discontinuance and removal of the traffic control system on the main tracks and sidings, between milepost CB0.7 and milepost CB17.2, on the Dean Subdivision, Detroit Service Lane, near Dean, Michigan, a distance of approximately 16.5 miles. The proposed changes consist of the conversion of all power-operated switches to hand operation, removal of all existing electric locks, all signals, and govern train movements by Direct Traffic Control Rules.

The reason given for the proposed changes is that traffic density does not warrant retention of the signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13932 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9419]

Applicant: CSX Transportation, Incorporated, Mr. Eric G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation, Incorporated seeks approval of the proposed modification of the signal system on the main tracks and sidings, between Braddock, milepost BF 319.0 and Marion Junction, milepost BF 324.9, on the P&W Subdivision, Cumberland Division, near Braddock, Pennsylvania, consisting of the following:

1. Elimination of Glenwood Junction Interlocking, milepost BF 323.0, converting all power-operated switches to hand operation and removal of associated signals;

2. Discontinuance and removal of the traffic control system between Braddock Junction and Glenwood Junction and between Marion Junction and Glenwood Junction on Main Track No. 2, and operate under Rule 105, ''Other Than Main Track''; and

3. Installation of back to back holdout signals on Main Track No. 1 at Glenwood Junction.

The reason given for the proposed changes is that the interlocking facility and the traffic control system on Main Track No. 2 are no longer needed in present day train operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13933 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9400]

Applicant: NJ Transit Rail Operations, Incorporated.

Mr. John F. Vogler, Jr. P.E., Chief Engineer C&S, One Penn Plaza East, Newark, New Jersey 07105–2246

Mr. William R. Knapp, Vice President and General Manager-Rail, One Penn Plaza East, Newark, New Jersey 07105–2246

NJ Transit Rail Operations, Incorporated seeks approval of the proposed modification of Beach Interlocking, milepost 57.5, on the Atlantic City Line, near Atlantic City, New Jersey, consisting of the

discontinuance and removal of three power-operated derails associated with the extension of the automatic cab signal and train control system through Beach Interlocking. The proposed changes are also associated with the reconfiguration of Atlantic Interlocking and installation of one highway-rail grade crossing.

The reason given for the proposed changes is to accommodate the installation of the highway-rail grade crossing and retire facilities no longer required for train operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13929 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9420]

Applicant: Norfolk Southern Corporation, Mr. J.P. Young, Assistant Division Superintendent, Pittsburgh Division, 425 Holiday Drive, Pittsburgh, Pennsylvania 15220.

Norfolk Southern Corporation (NS) seeks relief from the requirements of part 236, § 236.566, of the Rules, Standard and Instructions to the extent that NS be permitted to operate non-equipped locomotives in automatic cab signal territory on the two main tracks between CP-Alliance, milepost RD 66.9, near Alliance, Ohio, and CP-Rave, milepost RD 85.9, near Ravenna, Ohio, on the Pittsburgh Division and between milepost RD 102.0, near Macedonia, Ohio, and Drawbridge, milepost RD 123.6, near Cleveland, Ohio, on the Dearborn Division for the following operations:

1. Wire trains, work trains, wreck trains, and ballast cleaners to and from work;

2. Engines and rail diesel cars moving to and from shops; and

3. Engines used in switching and transfer service, with or without cars, not exceeding 20 mph.

Applicant's justification for relief: Exemptions have been previously granted for operation of non-equipped locomotives in cab signal territory at other locations on NS and the relief requested in this application would be consistent with currently granted exceptions.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13934 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket No. FRA–2001–9401]

Applicant: Union Pacific Railroad Company, Mr. P.M. Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system on the single main track, between Sono Junction, Wisconsin, milepost 23.6, on the Altoona Subdivision and Valley, Wisconsin, milepost 171.2, on the Wyeville Subdivision, a distance of

approximately 147.6 miles, and govern train movements by Track Warrant Control Rules only.

The reason given for the proposed changes is that traffic in the area has decreased due to changes in shipping and upgrading of alternate routes, and diminished train traffic no longer justifies maintenance of an automatic block signal system in the region.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 29, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–13930 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on January 5, 2001 [66 FR 1186–1187].

DATES: Comments must be submitted on or before July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Sam Daniel at the National Highway Traffic Safety Administration, Office of Safety Performance Standards (NPS–20), 202–366–4921. 400 Seventh Street, SW., Room 6240, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: National Highway Traffic Safety Administration.

Title: 49 CFR 571.116, Motor Vehicle Brake Fluids.

OMB Number: 2127–0521.

Type of Request: Extension of a currently approved collection.

Abstract: Federal Motor Vehicle Safety Standard No. 116, ''Motor Vehicle Brake Fluid,'' specifies performance and design requirements for motor vehicle brake fluids and hydraulic system mineral oils. Section 5.2.2 specifies labeling requirements for manufacturers and packagers of brake fluids as well as packagers of hydraulic system mineral oils. The information on the label of a container or motor vehicle brake fluid or hydraulic system mineral oil is necessary to insure; the contents of the container are clearly stated; these fluids are used for their intended purpose only; and the containers are properly disposed of when empty. Improper use or storage of these fluids could have dire safety consequences for the operators of vehicles or equipment in which they are used.

Affected Public: Business of other for profit organizations.

Estimated Total Annual Burden: 7000.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 01–13797 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on December 26, 2000 [65 FR 81409–81414].

DATES: Comments must be submitted on or before July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer Timian at the National Highway Traffic Safety Administration, Office of Chief Counsel (NCC–30), 202–366–5263. 400 Seventh Street, SW, Room 5219, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Reporting of Sale or Lease of Defective or Noncompliant Tires.

OMB Number: 2127–0610.

Type of Request: Extension of a currently approved collection.

Abstract: This collection of information will provide basic information relating to the defective or noncompliant tires that was sold or leased, such as the identities of both the seller and purchaser of a defective or noncompliant tire and a description of the tire, inform purchasers of these tires to the existence of the defect or noncompliance, and/or facilitate providing a remedy to the purchasers.

Affected Public: Foreign manufacturers of motor vehicles and motor vehicle equipment located outside of the United States, which are importing these items into the United States.

Estimated Total Annual Burden: 4.5.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, D.C.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 01–13798 Filed 6–1–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Research and Special Program Administration, DOT.

ACTION: List of Applications Delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reasons for Delay''

1. Awaiting additional information from applicant.

2. Extensive public comment under review.

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.

4. Staff review delayed by other priority issues or volume of exemption applications.

Meaning of Applicants Number Suffixes

N—New application

M—Modification request

PM—Party to application with modification request

Issued in Washington, DC, on May 24, 2001.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application number	Applicant	Reason for delay	Estimated date of completion
	NEW EXEMPTION APPLICATIONS		
11862–N	The BOC Group, Murray Hill, NJ	4	6/29/2001
11927–N	Alaska Marine Lines, Inc., Seattle, WA	4	6/29/2001
12158–N	Hickson Corporation, Conley, GA	4	6/29/2001
12248–N	Ciba Specialty Chemicals Corp, High Point, NC	1, 4	6/29/2001
12290–N	Savage Industries, Inc., Pottstown, PA	4	6/29/2001
12339–N	BOC Gases, Murray Hill, NJ	4	6/29/2001
12353–N	Monson Companies, South Portland, ME	4	6/29/2001
12355–N	Union Tank Car Company, East Chicago, IN	4	6/29/2001
12381–N	Ideal Chemical & Supply Co., Memphis, TN	4	6/29/2001
12406–N	Occidental Chemical Corporation, Dallas, TX	4	6/29/2001
12412–N	Great Western Chemical Company, Portland, OR	4	6/29/2001
12422–N	Connecticut Yankee Atomic Power Co., East Hampton, CT	1, 4	6/29/2001
12434–N	Salmon Air, Salmon, ID	4	6/29/2001
12440–N	Luxfer Inc., Riverside, CA	4	7/31/2001
12454–N	Ethyl Corp., Richmond, VA	4	7/31/2001
12456–N	Baker Hughes, Houston, TX	4	7/31/2001
12497–N	Henderson International Technologies, Inc., Richardson, TX	4	7/31/2001
12516–N	Poly-Coat Systems, Inc., Houston, TX	4	6/29/2001
12566–N	General Atomics, San Diego, CA	4	7/31/2001
12571–N	Air Products & Chemicals, Inc., Allentown, PA	4	7/31/2001
12574–N	Weldship Corporation, Bethlehem, PA	4	7/31/2001
12586–N	Wilsonart International Inc., Temple, TX	4	7/31/2001
12587–N	Georgia-Pacific Corp., Crossett, AR	4	7/31/2001
12588–N	El Dorado Chemical Co., Creve Ceour, MO	4	7/31/2001
12590–N	US Airways, Pittsburgh, PA	4	7/31/2001
12591–N	SGL Carbon, LLC, Morgantown, NC	1	6/29/2001
12592–N	Matson Navigation Co., San Francisco, CA	4	7/31/2001
12605–N	Ashland, Inc., Dublin, OH	4	7/31/2001
12646–N	Consani Engineering, Elsie River, SA	4	7/31/2001

Application number	Applicant	Reason for delay	Estimated date of completion
	MODIFICATIONS TO EXEMPTIONS		
7060–M	Federal Express, Memphis, TN	4	6/29/2001
8086–M	The Boeing Co (Mil Aircraft & Missiles Sys Group), Seattle, WA	4	6/29/2001
8308–M	Tradewind Enterprises, Inc., Hillsboro, OR	4	6/29/2001
8554–M	Orica USA, Inc., Englewood, CO	4	6/29/2001
9758–M	The Coleman Company, Inc., Wichita, KS	4	7/31/2001
10656–M	Conf. of Radiation Control Program Directors, Inc., Frankfort, KY	4	7/31/2001
10915–M	Luxfer Gas Cylinders (Composite Cylinder Div), Riverside, CA	4	6/29/2001
11202–M	Newport News Shipbuilding & Dry Dock Co, Newport News, VA	4	7/31/2001
11316–M	TRW Automotive, Queen Creek, AZ	4	6/29/2001
11526–M	BOC Gases, Murray Hill, NJ	4	6/29/2001
11537–M	JCI Jones Chemicals, Inc., Milford, VA	4	6/29/2001
11769–M	Great Western Chemical Company, Portland, OR	4	6/29/2001
11769–M	Great Western Chemical Company, Portland, OR	4	6/29/2001
11769–M	Hydrite Chemical Company, Brookfield, WI	4	6/29/2001
11798–M	Air Products and Chemicals, Inc., Allentown, PA	4	6/29/2001
11798–M	Anderson Development Company, Adrian, MI	4	7/31/2001
11911–M	Transfer Flow, Inc., Chico, CA	4	7/31/2001
12022–M	Taylor-Wharton (Harsco Gas & Fluid Control Group), Harrisburg, PA	4	7/31/2001
12102–M	Onyx Environmental Services, L.L.C., Ledgewood, NJ	4	7/31/2001
12178–M	STC Technologies, Inc., Bethlehem, PA	1	6/29/2001
12581–M	Nat'l Aero & Space Admn (NASA), Goddard Space Ctr., Greenbelt, MD	4	7/31/2001

[FR Doc. 01–13935 Filed 6–1–01; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0260]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the need to obtain written consent from a patient to disclose his or her medical record to private insurance companies, physicians and other third party.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 3, 2001.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *ann.bickoff@mail.va.gov.* Please refer to ''OMB Control No. 2900–0260'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann Bickoff at (202) 273–8310.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for and Consent to Release of Medical Records Protected by 38 U.S.C. 7332, VA Form 10–5345.

OMB Control Number: 2900–0260.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 10–5345 is used to obtain prior written consent from a patient before information concerning treatment for alcoholism or alcohol abuse, drug abuse, sickle cell anemia, or infection with the human immunodeficiency virus (HIV) can be disclosed from his or her medical record. This special consent must indicate the name of the facility permitted to make the disclosure, name of the individual or organization to whom the information is being released, specify the particular records or information to be released, and be under the signature of the veteran. It must reflect the purpose the information is to be used, and include a statement that the consent is subject to revocation and the date, event or condition upon which the consent will expire if not revoked before.

VA personnel complete 50 percent of the form and the patient completes the remaining 50 percent. If VA did not collect this information, the information could not be released from the patients records. This would have a negative impact on patients who need and want information released to private insurance companies, physicians and other third parties.

Affected Public: Business or other for profit and Individuals or households.

Estimated Total Annual Burden: 10,867 hours.

Estimated Average Burden Per Respondent: 2 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 326,000.

Dated: May 23, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–13849 Filed 6–1–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Amended Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer program matching Internal Revenue Service (IRS) records with VA pension and parents' dependency and indemnity compensation (DIC) records.

The goal of this match is to compare income status as reported to VA with records maintained by IRS.

VA plans to match records of veterans, surviving spouses and children who receive pension, and parents who receive DIC, with data from the IRS income tax return information as it relates to unearned income.

VA will use this information to adjust VA benefit payments as prescribed by law. The proposed matching program will enable VA to ensure accurate reporting of income.

Records To Be Matched: VA records involved in the match are the VA system of records, Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22). The IRS records will come from the Wage and Information Returns (IRP) Processing File, Treas/IRS 22.061, hereafter referred to as the Information Return Master File (IRMF), as published at 63 FR 69852 (December 17, 1998) through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program. In accordance with Title 5 U.S.C. subsection 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget (OMB).

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 of this Notice in the **Federal Register**, or 40 days after copies of this Notice and the agreement of the parties are submitted to Congress and OMB, whichever is later, 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 persons are invited to submit written comments, suggestions, or objections regarding the proposal to conduct the matching program to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1154, Washington, DC 20420. All written comments received will be available for public inspection in the Office of Regulations Management, Room 1158, 810 Vermont Avenue, NW., Washington, DC 20420, between 8 a.m. and 4:30 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge (212A), (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: May 21, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 01–13847 Filed 6–1–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974, Addition of Routine Use to System of Records Veterans and Beneficiaries Identification and Records Location Subsystem—VA

AGENCY: Department of Veterans Affairs.

ACTION: Notice; addition of routine use.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), notice is hereby given that the Department of Veterans Affairs (VA) proposes to add a routine use to the system of records ''Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA21).''

DATES: The proposed routine use will be effective July 5, 2001, unless comments are received before this date which would result in a contrary determination.

ADDRESSES: Written comments concerning the proposed amendment to the routine use may be mailed to the Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273–7218.

SUPPLEMENTARY INFORMATION: There is an ongoing computer matching program between the Department of Veterans Affairs (VA) and the Department of Education (ED) to provide ED with information about the veteran status of applicants for Federal financial aid. Veteran status is relevant to the financial aid process because ED treats veterans as independent applicants—which means that they are not required to provide parental financial information. ED uses the computer match with VA to quickly verify the veteran status of many financial aid applicants. In a memorandum dated September 30, 1998, VA's Office of General Counsel stated that routine use #2 in the system of records 38VA21 was legally sufficient to support the existing computer match with ED but recommended that VA promulgate a new routine use in this system of records specifically authorizing disclosure for the purpose of conducting computer matches.

VA proposes to add this routine use to the following system of records which is contained in the **Federal Register:** ''Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA21).''

A ''Report of Altered System'' and an advance copy of the revised system have been sent to the Chairmen and Ranking Minority Members of the Committee on Government Reform of the U.S. House of Representatives and the Committee on Governmental Affairs of the U.S. Senate, and to the Office of Management and Budget, as required by 5 U.S.C. 552a(o) and guidelines issued by the Office of Management and Budget.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amended routine use statement to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420. All relevant material received on or before July 5, 2001 will be considered. All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158,

between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except holidays.

If no public comment is received during the 30-day review period allowed for public comment, or otherwise published in the **Federal Register** by VA, the new routine use is effective July 5, 2001.

Approved: May 21, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

1. In the system identified as ''Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA21) ''the following routine use is added:

38VA21

SYSTEM NAME:

Veterans and Beneficiaries Identification and Records Location Subsystem—VA.

* * * * *

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

* * * * *

21. Any information in this system of records may be disclosed to a Federal agency for the purpose of conducting a computer matching program (as defined in 5 U.S.C. § 552a(a)(8)) in accordance with the provisions of section 552a.

* * * * *

[FR Doc. 01–13848 Filed 6–1–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Monday,
June 4, 2001

Part II

The President

Proclamation 7445—To Provide for the Efficient and Fair Administration of Action Taken With Regard to Imports of Lamb Meat and for Other Purposes

Federal Register
Vol. 66, No. 107
Monday, June 4, 2001

Presidential Documents

Title 3—

The President

Proclamation 7445 of May 30, 2001

To Provide for the Efficient and Fair Administration of Action Taken With Regard to Imports of Lamb Meat and for Other Purporse

By the President of the United States of America

A Proclamation

1. On July 7, 1999, President Clinton issued Proclamation 7208, which implemented action of a type described in section 203(a)(3) of the Trade Act of 1974, as amended (19 U.S.C. 2253(a)(3)) (the ''Trade Act''), with respect to imports of fresh, chilled, or frozen lamb meat, provided for in subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20 of the Harmonized Tariff Schedule of the United States (HTS). Proclamation 7208 took effect on July 22, 1999.

2. Proclamation 7208 established import relief in the form of tariff-rate quotas (TRQs) and increased duties but did not make specific provision for their administration. Accordingly, on July 30, 1999, President Clinton issued Proclamation 7214, which exempted from the TRQ goods that were exported prior to July 22, 1999, and delegated the President's authority to administer the TRQs to the United States Trade Representative. Proclamation 7214 took effect on July 30, 1999.

3. I have determined under section 203(g)(1) of the Trade Act (19 U.S.C. 2253(g)(1)) that it is necessary for the efficient and fair administration of the actions undertaken in Proclamation 7208 and Proclamation 7214 to grant second-year ''in-quota'' treatment to certain goods covered by the entry numbers set forth in the Annex to this proclamation.

4. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

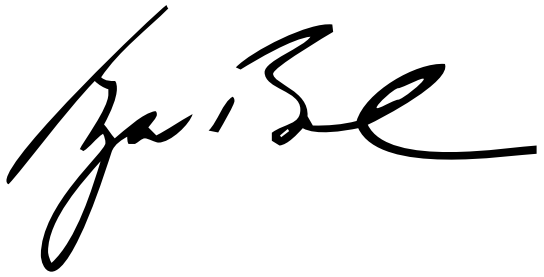
NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 203 and 604 of the Trade Act, and section 301 of title 3, United States Code, do proclaim that:

(1) In order to provide for the efficient and fair administration of the TRQs on imports of fresh, chilled, or frozen lamb meat classified in HTS subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20, notwithstanding the provisions of subheadings 9903.02.01 through 9903.02.04 and immediately superior text thereto, goods covered by the entry numbers set forth in the Annex to this proclamation that are covered by a second quota year export certificate and that were exported in the first quota year shall be charged against the in-quota quantity provided for in HTS subheading 9903.02.03.

(2) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(3) The actions taken in this proclamation shall be effective on the date of signature of this proclamation and shall continue in effect through the close of the dates on which actions proclaimed in Proclamation 7208 and Proclamation 7214 cease to be effective, unless such actions are earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of May, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



Billing code 3195–01–P

Annex

List of Entries

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252-02025067	304-01274672
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252-02023146	304-01280687
252-02024177	304-01282477
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[FR Doc. 01–14193
Filed 6–1–01; 12:03 pm]
Billing code 1390–01–C

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Federal Register

Vol. 66, No. 107

Monday, June 4, 2001

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FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

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.

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.

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Pennsylvania; published 4-3-01

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Communications Assistance for Law Enforcement Act; implementation; telecommunications carrier interceptions; reconsideration petitions; published 5-4-01

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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. 802/P.L. 107–12

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

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